SUBJECT: Application for an Amendment to the Township of Glanbrook Official Plan and Zoning By-law No. 464 for the Lands Located at 2100, 2120 and 2190 Rymal Road East (Glanbrook) (PED09145) (Ward 11)

RECOMMENDATION:

(a) That approval be given to amended Official Plan Amendment Application OPA-06-29, by Hamilton Mountain Developments Inc., c/o Smart Centres Inc., for Official Plan Amendment No. [number], to amend Schedules “A” and “I” of the Township of Glanbrook Official Plan and the Rymal Road Secondary Plan, from “Residential” to “Commercial”, and from “Low to Medium Density Residential” to “General Commercial” and “Medium to High Density Residential”, for the lands located at 2100, 2120 and 2190 Rymal Road East, in the City of Hamilton, as shown on Appendix “A” to Report PED09145 on the following basis:

   (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09145, be adopted by City Council.

   (ii) 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 amended Zoning Application ZAC-06-111, by Hamilton Mountain Developments Inc., c/o Smart Centres Inc., for changes in zoning from the General Commercial “C3-175” Modified Zone to the General Commercial “C3-175(A)” Modified Zone (Block 1), from the Residential Multiple - Holding “H-RM3-175” Zone to the General Commercial - Holding “H1-H2-C3-175(A)” Zone (Block 2), from the Residential Multiple “H-RM2-173” Holding Zone to the General Commercial - Holding “H1-H2-C3-175(A)” Zone (Block 3), from the Residential Multiple - Holding “H-RM3-175” Zone to the Residential Multiple Holding “H-RM4-257” Zone (Block 4), from the Residential Multiple - Holding “H-RM2-173” Zone to the Residential Multiple Holding “H-RM4-257” Zone (Block 5),
SUBJECT: Application for an Amendment to the Township of Glanbrook Official Plan and Zoning By-law No. 464 for the Lands Located at 2100, 2120 and 2190 Rymal Road East (Glanbrook) (PED09145) (Ward 11)

for the lands located at 2100, 2120 and 2190 Rymal Road East, in the City of Hamilton, as shown on Appendix “A” to Report PED09145, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09145, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Township of Glanbrook Official Plan upon approval of Official Plan Amendment No.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the applications is for an Official Plan Amendment and changes in Zoning to permit the development of the subject lands for General Commercial uses (including an expansion of the existing Wal-Mart to permit supermarket related services), as well as a medium to high density residential block. In total, the subject lands, including the commercial and medium to high density residential uses, are approximately 6.8 hectares (16.8 acres) in area (see Appendix “D” - Site 2); Site 1 identifies the expansion to the existing Wal-Mart. The overall amount of new commercial building area for the existing Wal-Mart site is 17,940 square metres (including 5,140 square metres for the proposed expansion, and 12,800 square metres for the proposed commercial block) (see Appendix “A” - Blocks 1, 2, 3 and 4). The implementing Zoning By-law Amendment has been drafted to incorporate a blanket Zone for all of the commercial lands, both existing and proposed (see Appendix “C”). The proposed residential block will accommodate a higher density residential development, thereby supplementing the difference in the overall residential densities as a result of the proposed expansion for commercial land uses.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement and the Places to Grow Plan, and conforms with and implements the “Urban Area” policies of the Hamilton-Wentworth Official Plan. Also, the proposal is compatible with existing and planned development in the surrounding area.
BACKGROUND:

Proposal

The purpose of the applications is to redesignate and rezone Blocks 2, 3, 4 and 5 on Appendix “A” (6.8 hectares proposed commercial/residential, and 11.64 hectares existing commercial) of land in the Rymal Road Planning Area. The applications will permit the future development of general commercial uses (Blocks 2 and 3), as well as a medium to high density residential block (Blocks 4 and 5). The change in zoning also includes a 5,140 square metre expansion of the existing Wal-Mart store to include 4,180 square metres of supermarket related uses (Block 1). The applications were circulated and reviewed by the appropriate departments and agencies. The initial circulation identified concerns over the loss of residentially designated land, servicing constraints, and the requirement of a peer review of the market assessment submitted with the applications. The applicant has subsequently worked with staff to resolve the issues identified as a result of the initial circulation of the application. These issues are discussed in detail below.

As a result of the initial circulation, stakeholder meetings were held to address the various technical issues and planning concerns related to the proposal. The outcome of these meetings assisted in the revision of the proposal and corresponding studies to lessen the overall amount and impact of the proposed commercial uses from both a market and planning standpoint. It also resulted in an increased density for future residential uses so as to off-set the redesignation and rezoning of Blocks 2 and 3 lands for commercial purposes. A subsequent submission was made by the applicant in March 2009 to modify the proposal, which also included a medium to high density residential block. In response to the circulation of the amended applications, the relevant departments and agencies did not raise any additional issues, save and except those related to the municipal servicing and comprehensive traffic review that were previously identified. The Analysis/Rationale section of this Report outlines the supporting studies and conclusions in greater detail.

Location: 2100, 2120 and 2190 Rymal Road West
(see Appendix “A” - attached)

Owner: Hamilton Mountain Developments Inc.
(c/o Smart Centres)

Property Description: Frontage: 865 metres
Flankage: 180.15 metres
Lot Area: 18.43 hectares (45.54 acres)
EXISTING LAND USE AND ZONING:

**Subject Lands:**
- Vacant (Blocks 2 to 5) and Existing Wal-Mart and other Retail (Block 1)
- Residential Multiple - Holding “H-RM3-175” Zone, Residential Multiple - Holding “H-RM2-173” Zone, and General Commercial “C-175” Zone

**Surrounding Lands:**
- **North**
  - Single Detached Dwellings/Vacant
  - Neighbourhood Development “ND” Zone and Single Residential “R1” Zone
- **South**
  - Future Park and School
  - Open Space “OS2” Zone and Institutional “I-175” Zone
- **East**
  - Convenience Retail Store/Coffee Shop/Motor Vehicle Gasoline Bar
  - Rural Industrial - Business Park “M6-025” Zone and Rural Industrial - Business Park “M6-088” Zone
- **West**
  - Vacant/Future Medium Density Residential
  - Residential Multiple “RM2-173” Zone and Residential Multiple “RM3-175” Zone

**ANALYSIS/RATIONALE:**

1. The proposal has merit and can be supported for the following reasons:
   (i) It is consistent with the Provincial Policy Statement and the Places to Grow Plan.
   (ii) It conforms with, and implements the “Urban Area” policies of the Hamilton-Wentworth Official Plan.
   (iii) It is compatible with the existing and planned development in the immediate area, and is in keeping with the character of the neighbourhood.

2. Subject to the policies of the Rymal Road Secondary Plan, a Market Study is required prior to approval of any implementing Zoning By-law Amendment for commercial development. The applicant prepared and submitted the required Market Study and the City subsequently had it peer reviewed at the applicant’s
expense. Since substantial time had lapsed over the course of processing the applications, market circumstances had changed in the vicinity of the subject lands. A total of two formal peer reviews were undertaken. One dated September 11, 2007, and the second dated February 28, 2009, focused on market and impact analysis which was prepared by the applicant’s consultant, and submitted with the planning applications.

The most recent comprehensive peer review is dated February 28, 2008, which reviewed the updated “Market Demand and Impact Analysis Hamilton Mountain Developments Inc. (HMD)” dated November 30, 2007, prepared by Tate Economic Research Inc. (TER). This review was based on all of the total area of 6.8 hectares (16.8 acres) being redesignated entirely for general commercial uses (Appendix “A” - Blocks 2, 3, 4 and 5). The peer reviews only researched the impact to the market based on all of the subject lands being entirely redesignated to commercial uses as well as the expansion of the existing Wal-Mart store. The reviews specifically looked at population statistics in conjunction with directional impact analysis of a home improvement centre, non-food oriented retail (NFOR) and food oriented retail scenarios with a specific timeframe of build out by 2009. It should be noted that the new proposal (March 2009) no longer includes a home improvement centre, nor will this use be permitted in the implementing Zoning By-law.

The September 11, 2007, peer review concluded that there would likely be a risk of closures of some existing retail operations in the supermarket and home improvement categories as the amount of space involved was considered to be “too much too soon” for the market to support without undesirable impacts on existing operations. The February 28, 2008, peer review reiterates the conclusion of “too much too soon for the market to support” with one significant remark: “…reducing the risk of closures in the short term, phasing of the development would be necessary…” The peer review further explains that the phasing of development would be desirable to delay entry into the market until after 2011. In considering the ultimate build out of the new proposal, TER has advised that the revised application will result in lesser impact than those estimated in the TER November 2007 Report. They further advise that the 2007 Report also assumed that the first full operational year of the development for the proposed lands would be 2009; they now advise that the first full operational year will be 2011. It is TER’s professional opinion that the proposal could be approved on the basis of market demand and impact. The most recent concerns in the peer review related to the new proposal focused on traditional real increase and expenditure factors identified in the original market analysis by TER, and second the related impacts in the other non-food oriented retail (NFOR) in that Sector. The only other proposal in close proximity is along Upper Centennial Parkway between Mud Street and Highland Road (this proposal was submitted roughly around the same time frame and is still under review). This proposal includes a home improvement store and supermarket. In regards to expenditure factors, TER clarifies that their November 2007 Report assumed that
NFOR expenditures within the Study Area would grow at a rate of 1.5% per year. TER goes on to inform that the 1.5% annual increase in NFOR expenditures is based on historical retail trade data, and that between 1991-2008 the average annual growth rate was approximately 2.0% in Ontario. They note that the period in question also includes recessionary as well as prosperous periods in the market. Therefore, they conclude that the use of 1.5% is an appropriate average growth rate that takes into account fluctuations in growth of expenditures in varying economic environments. This statement specifically acknowledges the most recent correspondence from the peer reviewer.

3. Further to the point above, the proposed 5,140 square metre expansion to the existing Wal-Mart store will allow for the introduction of supermarket related uses, thereby allowing the sale of groceries and permitting the Wal-Mart to function as a SuperCentre, similar to the existing SuperCentre located in Ancaster.

The peer review of the market study does not negate expansion of the existing Wal-Mart or other commercial uses for that matter, so long as a phased approach is achieved through delaying entry into the market after 2011. Once again, this statement was made prior to the current proposal to lessen the overall amount of commercial uses on the subject lands. Furthermore, TER advises that due to this decrease in the overall commercial and the increase in time since their March 2007 market study, there is an inherent increase of the retail sales potential in the trade area. They also advise that it was their assumption that the first full operational year of the development would be 2009, given the outstanding matters relating to servicing (limiting uses) coupled with traffic concerns, it is more likely that the first full operational year will commence in 2011 or beyond for any proposed uses relying more intensely on municipal services (e.g. restaurant uses).

In light of the revised March 2009 submission which reduces the overall amount of commercial uses originally proposed (a difference of approximately 40,000 square feet or 3,716 square metres) and the aforementioned justification, it is staff’s opinion that there will be no adverse impact on the planned function of any existing or designated commercial areas as a result of the proposed Wal-Mart expansion or from the other commercial uses proposed, given the Holding provision and time horizon speculated.

4. Through review, circulation, and further discussion, it has been identified that, at the present time, the subject lands will have limited servicing capacity with respect to sanitary allocation. Therefore, until future works are budgeted, scheduled, and constructed, high water users (e.g. restaurants and car wash establishments) will be limited to a total built Gross Leaseable Floor Area (GLFA) of 743 square metres. This restriction will be regulated through a Holding provision in the implementing Zoning By-law. All future development will be subject to site plan control, at which time the applicant may be required to undertake additional servicing studies/capacity analysis may be required.
Further, Traffic staff has also advised that a Traffic impact study is required to be prepared, to their satisfaction, and that the roadway network upgrades to be identified to facilitate the application be implemented. The Traffic Department’s concerns are further outlined below.

Given these concerns, the implementing Zoning By-law has included “Holding” provisions that appropriately deal with the issue of adequate municipal services for both the proposed commercial uses and the future residential block, as well as addressing the Traffic concerns noted above, prior to any future development proceeding.

5. This Section outlines and addresses the specific modifications required for both the residential and commercial uses proposed.

**Residential Block**

With respect to the residential block, the intent is to ensure that a higher density is maintained through good planning and built form, thereby promoting residential housing types appropriate for the lands in question. The original application proposed to redesignate all of the lands (Appendix “A” - Blocks 2, 3, and 4) entirely for commercial uses, totaling 6.8 hectares (16.8 acres), but has now been amended to 4.7 hectares (11.6 acres) for commercial (Block 2), with the remaining 2.1 hectares (5.19 acres) for “Medium to High Density Residential” uses (Blocks 3 and 4). It is important to note that the Township of Glanbrook Zoning By-law No. 464 does not have a corresponding Zone that permits and regulates the use of Maisonettes. As part of staff’s review, it was contemplated that in the absence of a comprehensive Zoning By-law, the most appropriate scenario would be to incorporate the regulations related to Maisonettes from the City of Stoney Creek Zoning By-law No. 3692-92, given the close geographic proximity of the subject lands to the former City of Stoney Creek. With respect to the retirement home use, the underlying Residential Multiple - Holding “H-RM3-175” Zone permits this use, or it permits a total of two apartment buildings with a maximum of 36 units per apartment building, via reference to the Single Residential R4-001 Zone.

In justifying the proposed zoning modifications to the Residential Multiple - Holding “H-RM4-257” Zone, they are in part, a combination of similar site-specific Residential Multiple “RM4” Zoning in the area, in conjunction with excerpts from the regulations in the Stoney Creek Zoning By-law No. 3692-92 pertaining to Maisonettes. The applicant has not provided any conceptual plans related to the residential block. Staff has drafted the By-law to ensure that appropriate setbacks are established, as well as ensuring an enhanced level of landscaping and privacy fencing is provided and maintained. Parking requirements will primarily be regulated by the parent zoning provisions, with the only changes being the actual parking stall sizes and setbacks for parking space location. These modifications are consistent with existing zoning in the area (Summit Park
subdivision to the west), and are considered minor and supportable. The applicant has been advised of the proposed residential regulations and is in support of the proposed zoning modifications.

**Commercial Block**

The commercial uses planned have been identified in the concept plan (see Appendix “D”), and will require Site Plan approval, thereby ensuring development occurs in an orderly and planned manner. The implementing Zoning By-law will encompass all of the existing and proposed regulations for the commercial uses so as to ensure a more uniform Zone. The regulations for these uses have primarily been established through the conceptual plan provided via the March, 2009 revision, and consistent with the commercial uses in the area, they are considered minor, and can be supported. The modifications proposed are to recognize the existing commercial Zone (and proposed expansion of the Wal-Mart), as well as the proposed commercial block (Block 2).

Consultation with the applicant’s planning consultant identified other modifications required; including a reduction in parking stall sizes to the new City standard established in Zoning By-law 05-200 (2.6 metres by 5.5 metres). The applicant has also requested that an average parking regulation be implemented (4.6 parking spaces for every 100 square metres of gross floor area). The parking requirements for the proposed commercial zones are the standard requirements from Zoning By-law 05-200 for the City of Hamilton. The modifications also include City standards with respect to parallel spaces, aisle widths, and barrier free parking. Since the commercial lands are being dealt with comprehensively, the regulation referencing Gross Leaseable Floor Area (GLFA) for Individual Retail Stores has been modified to ensure that the overall amount is limited. They are also seeking relief from the By-law to recognize the lands as one lot regardless of any future land division. In this regard, similar provisions have been made to allow for this modification in implementing Zoning By-laws for the former municipalities of Flamborough and Stoney Creek. These modifications are, for the most part, mirroring the existing formal approvals provided through the Committee of Adjustment and Council. Through a single Commercial Zone, staff has also included regulations incorporating urban design principles ensuring a pedestrian focused street edge, and a prohibition on drive-thru or vehicle stacking along the street edge.

These modifications are in keeping with the character of large scale commercial uses existing in the neighbourhood. They are considered minor and supportable. The proposed developments will be subject to Site Plan control and will be reviewed with respect to scale and design detail upon submission.
Holding Provisions

The intent of the Holding provisions is related to servicing capacity in the Rymal Road Secondary Plan Area and the outstanding concerns that need to be addressed with respect to Traffic. The intent of the provisions is to ensure that commercial and residential blocks not be developed until such time as the Traffic impact study and roadway network upgrades are prepared and submitted, to the Traffic Department’s satisfaction, (see Appendix “C”). Given the municipal servicing capacity for the area, high water users have been restricted by capping the total allowable GLFA to 743 square metres for the commercial block (Blocks 2 and 3). The residential block (Blocks 4 and 5) will not proceed until municipal water and wastewater works are completed in the near future. These conditions will apply to both the residential and commercial uses.

6. The City of Hamilton, in developing policies for the new consolidated Official Plan, had retained consultants in preparing the ‘Hamilton Commercial Strategy Study’. This document is a high level comprehensive planning study to inform and direct the development of a new approach to commercial land use planning for the City. It takes into account past practices, reflects current and upcoming retail commercial trends, inventories existing and vacant commercial lands across the City, estimates land supply requirements to 2031, reviews commercial policy options and provides a recommended approach to move Hamilton's commercial policy regime towards an urban structure, decision-making system. The study was one of the inputs into the development of the Growth Related Integrated Development Strategy (GRIDS) Nodes and Corridors strategy, and was paramount to the development of the study. The strategy recommends an urban structure approach to future retail service decisions focused on mixed use nodes and corridors building on strategically located existing and future commercial areas.

Specifically, the Report identifies a need for an additional 620,000 square metres (6.7 million square feet) of commercial space to the 2031 time horizon. At the time the report was written, the City currently had before it applications for a total of 227,000 square metres (2.45 million square feet) of retail space. If all of these applications were approved, it would reduce the additional retail space needs to approximately 393,000 square metres (4.23 million square feet).

The Report was co-authored by Sorensen Gravely Lowes and Robin Dee & Associates. The effect of the proposed Official Plan Amendment and Zoning By-law Amendment is to provide a total GFA of 17,671 square metres (Wal-Mart expansion and future commercial lands) on the subject lands. The increased GFA meets the intent of the Study.
ALTERNATIVES FOR CONSIDERATION:

Should the application for amendments to the Zoning By-law and Official Plan not be approved, the subject lands could only be developed for low and medium density residential uses, and the Wal-Mart could not expand.

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 and Official Plan.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1. The proposal is consistent with the PPS.

Places to Grow

The Places to Grow Plan is more formally known as The Growth Plan for the Greater Golden Horseshoe, and it was prepared and approved under the Places to Grow Act, 2005 by the Province of Ontario. The Plan formally came into effect on June 16, 2006. The Plan was created to provide a strategic vision and key policy planning direction to planners in one of the fastest growing metropolitan areas in North America. It is expected that 3.7 million people will move to the Greater Golden Horseshoe by 2031, and that 1.8 million new jobs will also exist by that time. The Plan’s main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity.

In assessing this revised proposal for a mix of residential and commercial uses, the applicant has identified that 4.6 hectares will be used solely for commercial uses. In forecasting Places to Grow targets, the City uses an average of 85 jobs and persons per hectares (jph) for greenfield commercial developments unless otherwise identified in the application submission. Since the Province has not yet provided standardized median averages for commercial developments, the City has used 85 jph, as that was the average identified in the City’s Commercial Strategy Study. Therefore, by multiplying this number by the total commercial area (4.6 hectares), approximately 391 jobs will be created by the proposed expanded commercial component.
The proposal identifies a total of 2.11 hectares of land that will be redesignated and zoned for ‘medium to high density’ residential uses. The general assumption is that 20% of the net area will be used for roads, etc. This leaves approximately 1.7 hectares for strictly calculating residential units. In submitting the revised proposal, the planning consultant advised that the proposed residential block would provide a minimum of 48 units per net residential hectare (uph). In calculating the anticipated population from this residential block, 48 uph was multiplied by the area (1.7 ha), which equates to a minimum of 81.6 units in the form of multiple dwelling types. This density could potentially be higher if, in fact, an apartment development is proposed. In assessing this further with the census calibrated statistics for the year 2031 identified in GRIDS (1.5 persons per unit) multiplied by the total of 81.6 units, the average would be approximately 139 persons for the population of this residential block. The Places to Grow Plan stresses the need for building complete communities where residents can live, work, and play, and it provides direction with respect to sustainable living that is transit supportive and environmentally friendly. This proposal meets those intentions, and the requirement that a minimum 50% street edge is provided and maintained through the implementing By-law.

To conclude this review, a total average of not less than 530 people and jobs can potentially be created from this development. In conjunction with the policies specifically identified under Designated Greenfield Areas in the Places to Grow Plan (50 residents and jobs combined per hectare), this proposal meets and exceeds the minimum density target. When the average people/jobs are divided by the overall proposed area, a total of 78 pph is derived. Based on the foregoing, this development proposal will not only meet, but exceed, the general intent of the Places to Grow Plan.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “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 the Urban Areas. The proposal is consistent with the policies of the Hamilton-Wentworth Official Plan.

**Township of Glanbrook Official Plan**

The Township of Glanbrook Official Plan designates the subject lands as “Residential”. As this proposal is increasing the residential density, the “Residential” policies of the Plan encourage this level of residential intensification, provided that the type of housing blends with the scale, urban design, and community characteristics of the neighbourhood. The design and scale will be further reviewed through additional planning approvals (i.e. Site Plan), however, the site-specific zoning has been drafted in a format that will maintain neighbourhood character once development occurs. The Secondary Plan breaks this policy down further, as described below. Approval of the applications would require an Official Plan Amendment to allow for the lands to be
redesignated to permit 'General Commercial' (Blocks 2 and 3) and 'Medium to High Density Residential' (Blocks 4 and 5) uses.

Rymal Road Secondary Plan

As previously mentioned, the subject lands are within the Rymal Road Secondary Plan. The plan specifies development principles and objectives, more importantly that development is based upon compact urban form that promotes a sense of community, encourages a mixing of uses, establishes a vibrant neighbourhood setting, encourages, pedestrian travel and other alternative modes of movement, and creates residential densities which are transit supportive. Some of the main objectives of the plan are to provide and encourage pedestrian accessibility between residential neighbourhoods, commercial areas, and other land uses. It also specifies to encourage a mixing of dwelling types and densities throughout the secondary plan area, more importantly, the policies encourage the provision of commercial and higher intensity residential uses along Rymal Road to serve the community and to support public transit. The policies also speak to the provision of commercial areas to develop with a range of commercial service and community uses appropriate to their function, and to intensify, over time, into mixed use areas. The revised proposal meets these policies, among others, in the Secondary Plan.

Section B.3.1.8 of the Secondary Plan outlines a set of urban design principles and objectives which are intended to create an attractive, safe, and pedestrian-friendly environment. The policies in the Plan stress that the community be designed on the basis of compact urban form that is integrated with existing land uses and development patterns. Further, it directs that future development promote attractive streetscapes, social interaction, transit usage, and safety through the relationship of buildings to the streets. The policies speak to a number of other design policies in the Plan which include, but are not limited to, public spaces, parking facilities, and will be further implemented through site plan control.

With respect to the proposed residential component (Blocks 4 and 5), the lands would be redesignated from “Low-Medium Density Residential” to “Medium-High Density Residential”. The Secondary Plan policies will allow the proposed uses of maisonettes, apartments, and a retirement home. The policies identify that the existing ‘Low to Medium Density Residential’ allows between 24 to 50 units per hectare, and the minimum density for ‘Medium to High Density Residential’ uses is 60 units per net residential hectare. Through the implementing By-law, a minimum of 48 units per net residential hectare has been proposed (see Appendix “C”). The proposed minimum is still in keeping with the densities in the neighbourhood as it is at the higher range of the ‘Low to Medium Density Residential’ uses. Further, the policies specify that ‘Medium to High Density’ areas be located on the periphery of the Residential Area or an area abutting commercial development, Arterial or Collector Roads. This proposed residential block meets these policies.
The “General Commercial” policies specifically identify that the lands designated for such uses are intended for commercial development, which has land extensive requirements such as larger free standing buildings with a single user, group of buildings, or multiple tenant shopping centres.

Based on the foregoing, staff is of the opinion that this proposal would conform to the general policies of the Township of Glanbrook Official Plan and the Rymal Road Secondary Plan. However, an amendment is needed in order to recognize the proposed commercial and higher density residential uses.

**RELEVANT CONSULTATION:**

Traffic Engineering and Operations Section, Operations and Maintenance Division, has advised that they have no comments on the Official Plan Amendment application. They do recommend that the development application be placed in a Holding Zone until the applicant has submitted a traffic impact study for the lands to be developed in this application, and identified roadway network upgrades required to facilitate the application, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.

Traffic further advises that the traffic impact study must be prepared by a qualified traffic engineering consultant for the development of the commercial and residential lands included in this application, at the expense of the applicant. They also advise that an Addendum to the original traffic impact study from March, 2007 is still being prepared, and will identify safety, capacity, and widening issues resulting from the expanded development on the existing Rymal Road East cross-section, and at the intersections within the study area. The capacity of the road and intersection network with the ultimate widened cross-section of Rymal Road East and surrounding intersections, specifically Rymal Road East at Upper Centennial Parkway/RR 56, must also be considered.

The applicant will be responsible for any roadway improvements required on the adjacent road networks as a result of the proposed development identified through the traffic impact study or through staff recommendations. Potential works to include design, pavement widening of existing roads for additional turning lanes or centre two-way left turn lanes, urbanization, roundabout analysis, roundabout construction, signal hardware upgrades at the existing signalized intersection of Rymal Road East at Upper Centennial Parkway/Regional Road 56, pavement markings and signage. Roundabout feasibility analysis and potential design is suggested to be undertaken by a consultant well versed in Rodel and roundabout design.

The traffic impact study should address any proposed site phasing. The applicant should be advised that City of Hamilton Traffic staff will not initiate the base road surveying, engineering, potential roundabout design, or pavement marking design for development related projects. At the applicant's expense, they will be required to hire a traffic engineering consultant approved by the City. The City would monitor the design,
and once the design is close to completion, City staff would finalize the details. Traffic signal, roundabout, and pavement marking design drawings must be approved and signed by the Manager of Traffic Engineering and Operations.

At the development stage, the applicant will be required to dedicate or acquire sufficient lands to accommodate a roundabout design (if necessary) on Rymal Road East or other pavement widenings required on the road network. At the development stage, the applicant will be required to enter into an Agreement with the City to undertake the works on the road network.

The following Departments and Agencies had no comments or objections:

- Forestry and Horticulture, Section, Operations and Maintenance Division.
- Culture and Recreation Division.
- Strategic and Environmental Planning Sections.
- Hamilton Emergency Services.
- Hamilton-Wentworth District School Board.
- Hamilton Hydro.
- Canada Post.
- Union Gas.
- Ministry of Transportation.
- Hydro One Networks.
- Bell Canada.

Public Consultation

In accordance with Council’s Public Participation Policy, Preliminary Circulation was sent to 260 property owners within 120 metres of the subject lands on October 26, 2007, and a Public Notice sign was posted on the property on July 10, 2007.

One letter was received on March 20, 2007, from a lawyer representing the Heritage Greene Development Corporation (see Appendix “E”). They identified concerns over the additional commercial space proposed, and requested formal notice be provided in the future.

Also, one phone call was received by staff wherein concerns were raised with respect to the expansion of the existing Wal-Mart store for supermarket related services. The individual owns an existing grocery store west of the subject lands. Their concerns primarily concentrated on competition-related issues. Staff advised that under the Rymal Road Secondary Plan policies, the applicant would be required to submit a market study analyzing such issues, and that the City would request that the study be peer reviewed. At that time, the peer review had not been finalized. Now that the review is complete, some concern was initially raised regarding the supermarket use, and the ultimate effect on planned function of the existing operations (Farmer Al’s and Highland Country Farms). Once again, given that the time frame for the first full year of
operation of the Wal-Mart expansion is 2011, and the fact that the two said operations are specialized, catering to a niche market, no negative impacts will result if the applications are approved, as revised.

The Notice of Public Meeting was also circulated in accordance with the provisions 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
Ecological function and the natural heritage system are protected.

**Economic Well-Being is enhanced.** ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

**Does the option you are recommending create value across all three bottom lines?** ☑ Yes ☐ No

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?** ☐ Yes ☑ No

JM
Attachs. (5)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
OPA-08-29, ZAC-06-111

Date:
May 26, 2009

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
JM/NB

Subject Property

2100, 2120 and 2190 Rymal Road East, Glenbrook

BLOCK 1: Change in Zoning from the General Commercial "C3-175" Modified Zone to the General Commercial "C3-175(A)" Modified Zone.

BLOCK 2: Change in Zoning from the Residential Multiple "H-RM3-175" Holding Zone to the General Commercial - Holding "H1-R2-C3-176(A)" Zone.

BLOCK 3: Change in Zoning from the Residential Multiple "H-RM2-173" Holding Zone to the General Commercial - Holding "H1-R2-C3-176(A)" Zone.

BLOCK 4: Change in Zoning from the Residential Multiple "H-RM4-251" Holding Zone to the Residential Multiple "H-RM6-251" Holding Zone.

BLOCK 5: Change in Zoning from the Residential Multiple "H-RM2-173" Holding Zone to the Residential Multiple "H-RM6-251" Holding Zone.

Ward 11 Key Map

N.T.S.
Amendment No.  

to the

Official Plan for the former Township of Glanbrook

The following text, together with Schedule “A”, “Land Use Plan” and Schedule “I”, Rymal Road Secondary Plan, of the Official Plan of the former Township of Glanbrook, attached hereto, constitute Official Plan Amendment No.  

Purpose:

The purpose of this Amendment is to redesignate the subject lands from “Residential” to “General Commercial” on Schedule “A”, Land Use Plan, and from “Low to Medium Density Residential” to “General Commercial” and “Medium to High Density Residential” in Schedule “I” Rymal Road Secondary Plan Land Use Plan, in order to permit medium to high density residential uses and limited general commercial uses.

Location:

The lands affected by this Amendment are known municipally as 2100, 2120 and 2190 Rymal Road East.

Basis:

The intent of the Amendment is to permit a limited range of general commercial uses and future medium to high density residential development. The basis for the redesignation is as follows:

- The proposed development is consistent with the Provincial Policy Statement.
- The proposed development conforms with the Region of Hamilton-Wentworth Official Plan.
- The proposed development is compatible with the existing and planned development in the immediate area, and is in keeping with the character of the surrounding neighbourhood.
- The proposed residential lands exceed the minimum density target of 50 residents and jobs combined per hectare, as identified under “Designated Greenfield Areas” in the Places to Grow Plan.
Actual Changes:

1. That Schedule “A”, Land Use Plan, be revised by redesignating the subject lands from “Residential” to “General Commercial”, and identifying the subject lands as OPA No. [blank], as shown on the attached Schedule “A” to this Amendment.

2. That Schedule “I”, Rymal Road Secondary Plan Land Use Plan, be revised by redesignating the subject lands from “Low-Medium Density Residential” to “Medium-High Density Residential” and “General Commercial”, as shown on the attached Schedule “I” to this Amendment.

3. That Policy B.3.2.5.1 (a) of the Rymal Road Secondary Plan is amended to 16.4 hectares from 11.7 hectares.

4. That Policy B.3.2.2.5 (c) of Rymal Road Secondary Plan is amended to have a minimum density of 48 units, rather than 60 units per net residential hectare.

Implementation:

An implementing Zoning By-law Amendment will give effect to the intended use on the subject lands. The future developments will be subject to Site Plan Control, as well as any other applicable Planning Act application prior to construction of the commercial development and residential units.

This is Schedule "1" to By-law No. [blank], passed on the [blank] day of [blank], 2009.

The

City of Hamilton

______________________________  ________________________________
Fred Eisenberger                      Kevin C. Christenson
Mayor                                 Clerk
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 2100, 2120 and 2190 Rymal Road East

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 Item _______ of Report 09-____ of the Economic Development and Planning Committee, at its meeting held on the day of ________, 2009, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook) with the approval of Official Plan Amendment No.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Schedule “J” - Rymal Road Planning Area, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:

(a) by changing from the General Commercial “C3-175” Modified Zone to the General Commercial “C3-175(A)” Modified Zone, the lands comprised of Block 1;

(b) by changing from the Residential Multiple “H-RM3-175” Holding Zone to the General Commercial - Holding “H1-H2-C3-175(A)” Zone, the lands comprised of Block 2;

(c) by changing from the Residential Multiple “H-RM2-173” Holding Zone to the General Commercial - Holding “H1-H2-C3-175(A)” Zone, on the lands comprised of Block 3;

(d) by changing from the Residential Multiple “H-RM3-175” Holding Zone to the Residential Multiple “H-RM4-257” Holding Zone, the lands comprised of Block 4; and;

(e) by changing from the Residential Multiple “H-RM2-173” Holding Zone to the Residential Multiple “H-RM4-257” Holding Zone, the lands comprised of Block 5;

the extent and boundaries of which Blocks 1 to 5, inclusive, are shown on the 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 new special exemptions “C3-175(A), “H1-C3-175(A)”, “H2-C3-175(A)” and “H-RM4-257” as follows:

C3-175(A) In addition to the Permitted Uses and Regulations of Exception “C3-175”; the following permitted use and regulations shall apply to those lands zoned General Commercial “C3-175(A)” Modified Zone:

(a) **PERMITTED USES:**

(i) Notwithstanding Section (a) **PERMITTED USES** of Exception “C3-175(A), one retail store having a minimum Gross Leasable Floor Area of 12,500 square metres, may include a maximum of 4,180 square metres for the sale and display of food.

(b) Notwithstanding Subsection (iv), (v) and (vi) of Section (b) **REGULATIONS FOR USES PERMITTED PARAGRAPH (a)(i) OF THIS SUBSECTION** of Exception “C3-175”, and Subsection 25.2 (I)(ii) of SECTION 25 of the General Commercial “C3” Zone, the following shall apply:

(iv) Maximum Gross Leasable Floor Area........47,940 square metres
(v) Gross Leasable Floor Area (GLFA) for Individual Retail Stores:
1. Retail Stores (Minimum)………………..1,860 square metres

2. Retail Stores (Maximum)…………..….17,650 square metres

3. Notwithstanding 1. above, a maximum GLFA of 11,200 square metres for retail stores between 460 and 1,860 square metres shall be permitted, in addition to not more than 20% of the 11,200 square metre maximum GFLA for retail stores having a minimum of 110 square metres.

(c) Notwithstanding Section 7.35 Subsections (a)(i) to (xiii) and (b) of the MINIMUM PARKING REQUIREMENTS, the following regulations shall apply:

(A) A minimum of 4.6 parking spaces for each 100 square metres of gross floor area or fraction thereof shall be provided and maintained.

(B) No parking space shall be less than 2.6 metres in width by 5.5 metres length, unless otherwise provided for in this By-law.

(C) Notwithstanding Subsection (B) herein:

(1) Each parallel parking space shall have a minimum width of 2.4 metres and a minimum length of 6.7 metres. End spaces which have a clear, unobstructed approach, shall have a minimum length of 5.5 metres;

(2) The aisle giving access to a parallel parking space shall have a minimum width of 3.6 metres for one-way traffic, and a minimum width of 6.0 metres for two-way traffic; and,

(3) In the case of barrier free parking, each parking space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres.

(d) A minimum driveway width of 4.0 metres shall be provided and maintained for a drive-thru, and no drive-thru lane, stacking lane or pick-up window, shall be located between the building and a street.

(e) Notwithstanding the definition of a “Lot”, those lands zoned General Commercial “C3-175(A)” by this By-law shall be considered as one lot, notwithstanding any consolidation or division of the same.
(f) For buildings constructed after the date of the passing of this by-law, being __________ day of __________, 2009, a maximum 3.0 metre front yard setback, which area shall be provided and maintained as a landscape area, shall apply to not less than 37.5% or more of the measurement of the front lot line.

That the ‘H1’ symbol may be removed by further amendment to this By-law at such time as the following matters have been completed:

(i) The submission and approval of a Traffic Impact Study to address the need for, and timing of, any other required road improvements, prior to the development of the subject lands, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.

(ii) All roadway network upgrades required to facilitate the applications be identified and submitted, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.

That the ‘H2’ symbol may be removed by further amendment to this By-law at such time as the following matters have been completed:

(i) All matters listed under ‘H1’ have been satisfied.

(ii) That the provision of adequate servicing has been allocated for the proposed development, to the satisfaction of the Director of Development Engineering.

While zoned “H2-C3-175(A)”, all uses shall be permitted, except for sit down, take-out and drive-thru restaurants; coffee shops; laundromats; dry cleaning establishments; hair salons; beauty parlours; aestheticians; and barber shops, which uses shall be restricted to a total Gross Leasable Floor Area of 743 square metres.

H-RM4-257 Notwithstanding Section 4 DEFINITIONS, the following definitions shall apply to the lands zoned Residential Multiple “H-RM4-257” Holding Zone:

“Retirement Home” - Shall mean a multiple dwelling where all dwelling units do not contain full kitchens but where the building provides communal facilities such as a kitchen/dining facilities, laundry facilities, lounges and where the residents are supervised in their daily living activities. A retirement home may be licensed by the municipality and shall not be considered a long term care facility, emergency shelter, lodging house, residential care facility or any other facility which is licensed, approved or regulated under any general or special Act.

“Maisonette” - Shall mean back to back townhouse dwellings.
Notwithstanding Subsections 20.1 PERMITTED USES, and 20.2 REGULATIONS FOR PERMITTED USES IN PARAGRAPH (a) OF SUBSECTION 20.1 of SECTION 20: RESIDENTIAL MULTIPLE “RM4” ZONE, the following special regulations shall apply to those lands zoned site-specific Residential Multiple - Holding “H-RM4-257” Zone:

(a) PERMITTED USES:

(i) Apartment Building.

(ii) A Retirement Home.

(iii) Maisonettes.

(iv) Uses, buildings and structures, accessory to the uses described in Paragraph (a) of this Subsection.

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) (i), (ii) and (iii) OF THIS SUBSECTION:

(c) Maximum Lot Area …………………………………….2.11 hectares

(e) Density ………………………….Minimum of 48 units per net hectare

(g) Minimum Side Yard …………………………………….6.0 metres

(h) Minimum Rear Yard:
    Maisonettes ……………………………………………6.0 metres

(k) Minimum Landscaped Area for Maisonettes……….50% of lot area

That the ‘H’ symbol may be removed by further amendment to this By-law at such time as the following matters have been completed:

(a) That the provision of adequate servicing has been allocated for the proposed development, to the satisfaction of the Director of Development Engineering.

(b) The submission and approval of a Traffic Impact Study to address the need for, and timing of, any other required road improvements, prior to the development of the subject lands, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.

(c) That all roadway network upgrades, which are required to facilitate the application, be identified and submitted, to the satisfaction of the Manager of Traffic Engineering and Operations, Public Works Department.

City Council may remove the ‘H’ symbol and thereby give effect to the “RM4-257” Zone provisions by enactment of amending By-law once the conditions are fulfilled.
3. That 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 Zones and special requirements referred to in Section 2.

4. That SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW is hereby amended by deleting ZONE AND EXCEPTION NUMBERS H-RM2-173 and H-RM3-175 in their entirety.

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

PASSED and ENACTED this [ ] day of [ ], 2009.

__________________________          ____________________________
Fred Eisenberger               Kevin C. Christenson
Mayor                             Clerk

OPA-06-29
ZAC-06-111
This is Schedule "A" to By-Law No. 09-

Passed the .......... day of ...................., 2009

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**Schedule "A"**

Map Forming Part of By-Law No. 09-______
to Amend By-law No. 464

Subject Property
2100, 2120 and 2190 Rymal Road East, Glenbrook

- **BLOCK 1:** Change in Zoning from the General Commercial "C3-175" Modified Zone to the General Commercial "C3-175(A)" Modified Zone.
- **BLOCK 2:** Change in Zoning from the Residential Multiple "H-RMS-175" Holding Zone to the General Commercial - Holding "H1-R2-C3-175(A)" Zone.
- **BLOCK 3:** Change in Zoning from the Residential Multiple "H-RMS-175" Holding Zone to the General Commercial - Holding "H1-R2-C3-175(A)" Zone.
- **BLOCK 4:** Change in Zoning from the Residential Multiple "H-RMS-175" Holding Zone to the Residential Multiple "H-RM-2-257" Holding Zone.
- **BLOCK 5:** Change in Zoning from the Residential Multiple "H-RM-2-173" Holding Zone to the Residential Multiple "H-RM-2-257" Holding Zone.

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Scale: N.T.S.  
File Name/Number: ZAC-05-111 & OPA-08-29  
Date: May 26, 2009  
Planner/Technician: JMN/KB  
Hamilton  
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Via Facsimile: 905-540-6142

March 20, 2007

Mr. Peter Delulio, Senior Project Manager
Planning and Economic Development Dept.
Development and Real Estate Division (East)
City of Hamilton
71 Main Street West, 6th Floor
Hamilton, Ontario
L8P 4Y5

Dear Mr. Delulio:

Re: Smart Centres – Rymal Road

We represent Heritage Greene Development Corporation ("Heritage Greene") the owner of approximately 21 hectares of land on either side of Upper Mount Albion Road between Winterberry and the Red Hill Creek Expressway. The Heritage Greene lands comprise the majority of the West Mountain Core Area – a mixed use focal point of the Heritage Green Secondary Plan which was adopted by the former City of Stoney Creek in 1989.

The development of the West Mountain Core Area was delayed for almost 20 years as landowners awaited the completion of the Red Hill Creek Expressway. Finally in 2003, applications could proceed to implement the mixed use community. These applications were subjected to an extensive public process. In addition to the statutory public meeting, there were three separate public information sessions, a Citizens Advisory Committee and various meetings held in conjunction with the local councilor. The Heritage Greene lands were planned for substantial commercial development, a residential component, office space, a theatre as well as a transit node. In June, 2006, Hamilton Council unanimously approved the Heritage Greene plans.

In short, our client’s lands were part of an extensive and lengthy planning process that led to a carefully planned community. The planning and investment was very significant to compliment the planned function of retail uses as part of a mixed use centre which is central to the community.

The commercial retail centre currently owned by Smart Centres was approved as part of a balanced retail structure to serve the existing and planned community. Any expansion of the retail function for the Rymal Road site will change the balanced approach approved by the City to provide a number of appropriate retail areas to serve the community.
March 20, 2007

There is a significant growth planning exercise underway through the GRIDS process. Any retail expansion of the Rymal Road site may prejudice a more appropriate retail structure being planned to better serve the needs of the future expanded urban area.

In summary, our client’s concern is that this application does not represent good planning given that a significant expansion of this retail centre will affect the planned retail hierarchy in the area and could prejudice the future retail hierarchy for the expanded urban area through the implementation of the GRIDS process.

We would like to receive copies of all of the reports submitted, or that may be submitted, in support of the applications, including any market studies, traffic and servicing studies and planning justification reports. We would, of course, pay for any costs associated with copying these documents. We reserve the right to provide further comments based on our review of the reports.

Finally, we request that we be added to a mailing list to receive copies of all notices, meetings, minutes, reports and any Notices of Decision or enactments of by-laws with respect to these applications.

Your assistance in this matter is appreciated. If you have any questions or comments, please do not hesitate to contact me.

Yours truly,

Scott Snider

Sols
13221/24

cc. Donald May