SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Properties Located at 50 and 52 Fraser Road, and Part of 57 Argyle Avenue (Hamilton) (PED05159) (Ward 4)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-05-12 by 1146620 Ontario Ltd. c/o John Raffay, owner, for lands located at 50 and 52 Fraser Road, and part of 57 Argyle Avenue, (Hamilton), as shown on Appendix “A” to Report PED05159, for a change in designation on Schedule “A” – Land Use Concept Plan, of the City of Hamilton Official Plan, from “Residential” to “Commercial”.

(b) That approval be given to amended Zoning Application ZAC-05-72, by 1146620 Ontario Ltd. c/o John Raffay, owner, for a change to Zoning By-law No. 6593, from the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, to the “H” (Community Shopping and Commercial, Etc.) District, to permit the expansion of the existing banquet hall at 1162 Barton Street East and to provide on-site parking, for lands located at 50 and 52 Fraser Road, and part of 57 Argyle Avenue; and a modification to the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District for the lands located at 57 Argyle Avenue; as shown on Appendix “A” to Report PED05159, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED05159, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.
SUBJECT: Applications for an Official Plan Amendment and Change in Zoning for the Properties Located at 50 and 52 Fraser Road and Part of 57 Argyle Avenue (Hamilton) (PED05159) (Ward 4) - Page 2 of 7

(ii) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan, and will conform to the Hamilton Official Plan upon finalization of proposed Official Plan Amendment No.____.

(c) That upon finalization of Official Plan No.____ and the implementing Zoning By-law, the approved Crown Point East Neighbourhood Plan be amended to change the designation of the subject lands from “Residential - Single and Double” to “Commercial”.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applicant is requesting Official Plan and Zoning By-law Amendments to permit the expansion of the existing banquet hall (see Appendix “B”). The proposal is an appropriate commercial expansion that efficiently uses urban land and existing services and abuts an area with concentrated commercial uses. It also fulfills a condition of severance approval.

BACKGROUND:

History

The lands are approximately 0.120 acres in size and are currently serviced. The subject lands have been owned by the applicant since 1995 (52 Fraser Avenue), 2002 (57 Argyle Avenue), and 2005 (50 Fraser Avenue), respectively. The lands had been used for residential purposes. Presently, the two single residential dwellings at 50 and 52 Fraser Road have been demolished. The remaining portion of the property at 57 Argyle Avenue will continue to be used for residential purposes.

Proposal

The purpose of the application is to permit an approximately 80 square metre expansion of the existing Olympia Banquet Centre located at 1162 Barton Street East, and to provide 22 on-site parking spaces for its patrons. (See Appendix “B”). In 1967, a variance was granted by the Committee of Adjustment (File No. A67/17), for a reduction in parking from the 43 required spaces to 16 spaces. However, none have been provided to date. The current expansion is for the hall’s kitchen facilities, which would not constitute an increase in public floor space. Therefore, this proposal will not increase the number of patrons and, subsequently, additional parking is not required. Since 1995, Olympia’s patrons have also
been parking across the street at the Centre Mall. Prior to Olympia, the previous banquet centre, known as Visca’s, had a similar parking arrangement with Centre Mall. The applicant has expressed concern for his guests having to cross Barton Street to access the hall facilities. Access to the proposed on-site parking lot would be from Fraser Avenue.

Consent Application (File No. HW/B-05:159)

The applicant also submitted a consent application to the Committee of Adjustment in order to sever off the rear portion of the lands at 57 Argyle Avenue to be added to the larger portion owned by the applicant to the north (see Appendix “D”). Approval was conditionally granted by the Committee of Adjustment on August 31, 2005, and there were no appeals. Conditions of approval include the requirement to receive final approval of the Official Plan Amendment and Zoning Amendment (see Appendix “C”). As a result of the severance application, the retained lands have a deficient rear yard and lot area. These deficiencies have been addressed in the amending Zoning By-law (see Appendix “E”).

Details of Submitted Application

Owner/Applicant: 1146620 Ontario Ltd. c/o John Raffay (owner)
Location: 50 & 52 Fraser Avenue and part of 57 Argyle Avenue
Description: Frontage: 15.24 metres along Fraser Avenue
Depth: Up to 36.576 metres
Lot Area: 485 square metres (all properties combined)

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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<tr>
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<td>Vacant/Single Detached Dwelling</td>
<td>“D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District</td>
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<th>Surrounding Lands</th>
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<td>North</td>
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<td>East</td>
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ANALYSIS/RATIONALE:

1. The proposed Official Plan and Zoning Amendments have merit and can be supported for the following reasons:

   i) The proposal implements the policies of the Provincial Policy Statement respecting growth in existing urban areas and is, therefore, consistent with the Provincial Policy Statement.

   ii) The proposal conforms with, and implements, the “Urban Area” policies of the Hamilton-Wentworth Official Plan.

   iii) The proposal is consistent with the “Commercial” designation of the City of Hamilton Official Plan.

   iv) The proposed development is compatible to the existing commercial development in the neighbourhood and is in keeping with the character of the surrounding area.

   v) The proposal implements a condition of approval for the related severance application.

2. The proposed redevelopment of the subject lands is fitting, since rejuvenation has been occurring in the immediate area in recent years. The existing banquet facility caters to a number of private and corporate functions and events. Due to the age of the existing structure, redevelopment is necessary in order to upgrade some of the technical and mechanical deficiencies for enhanced operation of the facility and its patrons. As mentioned above, the banquet hall has always operated without on-site parking. Informally, parking has been accommodated at the Centre Mall across Barton Street. The owner has expressed concern for patrons having to cross this busy arterial road and, therefore, has proposed 22 on-site parking spaces to accommodate the existing facility and new addition.

3. The proposed development involves a change in designation and zoning for two residential lots and part of another. The change is to accommodate the expansion of the existing commercial use (banquet hall). The two dwelling units located at 50 and 52 Fraser Avenue have been demolished. The third residential
lot located at 57 Argyle Avenue will continue to be used for residential purposes. The rear of the property has been severed off to facilitate the proposed parking lot, which has created a deficient lot area and rear yard. The existing frontage is deficient and has also been recognized. These deficiencies have been addressed through the attached amending By-law (see Appendix “E”). The modifications are minor and can be supported.

Staff is of the opinion that the proposed Zoning and Official Plan Amendments are appropriate and supportable. The proposed expansion of the banquet hall is subject to Site Plan Approval, at which time, matters such as access, parking, landscaping, visual barriers, pedestrian walkways, grading and drainage will be reviewed.

**ALTERNATIVES FOR CONSIDERATION:**

Should the applications for amendments to the Official Plan and Zoning By-law not be approved, development of the subject lands in accordance with the approved severance application could not occur. Alternatively, the lands can be developed under the current zoning regulations.

**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 Official Plan and 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 principles and 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 Plans and based on full municipal services, will be concentrated in the Urban Areas. Therefore, as the nature of the applications are to modify the existing Official Plan and Zoning By-law designations to permit the expansion of the existing banquet
hall, and facilitate additional on-site parking for an existing commercial use, the proposal conforms with the intent of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Residential” on Schedule ‘A’ – Land Use Concept Plan in the City of Hamilton Official Plan. An Official Plan Amendment is required to redesignate the lands from “Residential” to “Commercial” to permit the proposed development. This proposal has been reviewed against Subsection A.2 Land Use Concept, Subsection A.2.2 Commercial Uses and Subsection B.3.3 Public and Private Parking of the City of Hamilton Official Plan. This proposal satisfies the policies of the Official Plan.

Neighbourhood Plan

The subject lands are designated “Residential - Single and Double” in the approved Crown Point East Neighbourhood Plan. The proposed development does not conform to the neighbourhood plan and a redesignation to “Commercial” is required.

RELEVANT CONSULTATION:

Public Works Department (Traffic Engineering and Operations Section) has advised that they will review the proposal in further detail at the site plan control stage. However, any new or change in access to Fraser Avenue requires the applicant/owner to apply for and receive an access permit from the Public Works Department. All abandoned accesses must have the curb and boulevard restored to the satisfaction of the Public Works Department at the sole expense of the applicant/owner.

The following Departments and Agencies had no comments or objections:

- Hamilton-Wentworth District School Board
- Public Works Department (Operations and Maintenance - Forestry Section)
- Hamilton Street Railway
- Bell Canada
- Corporate Services (Budgets and Finance)

Public Consultation

In accordance with the City’s Public Participation Policy that was approved by Council on May 29, 2003, this application and notice of Public Meeting was pre-circulated to one-hundred and eighty property owners within 120 metres of the subject properties. To date, staff has not received any comments on the proposed rezoning and official plan amendment applications.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety 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)
Appendix "C" to Report PED05159

Committee of Adjustment
City Hall
7th floor, 71 Main Street West
Hamilton, ON, L8P 2J9
Telephone (905) 546-2400, ext. 4221
Fax (905) 546-4202

COMMITTEE OF ADJUSTMENT
NOTICE OF DECISION

APPLICATION FOR CONSENT
LAND SEVERANCE

APPLICATION NO. HM/B-05:159
SUBMISSION NO. B-159/05

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

AND IN THE MATTER OF the Premises known as Municipal number 57 Argyle Avenue, in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Paolo DiClenzo on behalf of the owner 1146620 Ontario Ltd. (John Raffey), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of rear land measuring 9.1m² x 7.65m to be added to an adjoining parcel for commercial purposes, and to retain a parcel of land measuring 9.1m² x 22.85m² containing an existing dwelling for residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application is APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. That the owner/applicant submit a Deposited Ontario Land Surveyor's Reference Plan to the Development Planning East Team.

3. That the owner/applicant apply for and receive final approval of any necessary variances for the retained lands.

4. That the owner/applicant receive final approval of rezoning application ZAC-05-72 and Official Plan Amendment OPA-05-12.

5. That the lands to be conveyed be registered in the same name and title as the adjacent lands to the north.

DATED AT HAMILTON this 24th day of August, 2005.

D. Drury, Acting Chairman

V. Abraham

C. Lewis

D. Serwatuk

D. Delullo

R. Naim

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS August 31st, 2005.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (August 31st, 2006) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS September 20th, 2006.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.

CERTIFIED A TRUE COPY
SECRETARY-TREASURER
Appendix “E” to Report PED05159 (Page 1 of 3)

Authority: Item , Planning and Economic Development Committee Report 05- (PED05159)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593
Respecting Lands Located at 50 & 52 Fraser Avenue, and Part of 57 Argyle Avenue, City of Hamilton

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Planning and Economic Development Committee at its meeting held on the day of , 2005, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Sheet No. E-53 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended, with regard to the lands composed of 50 and 52 Fraser Avenue, and part of 57 Argyle Avenue, the lands the extent and
boundaries of which are shown on a plan hereto annexed as Schedule “A”, on the following basis:

(i) That Block “1” be rezoned from the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the “H” (Community Shopping and Commercial, Etc.) District.

(ii) That Block “2” be rezoned from the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the “D/S-1535” ((Urban Protected Residential - One and Two Family Dwellings, Etc.) District.

2. That the “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands municipally known as 57 Argyle Avenue, be modified to include the following special requirements:

   (a) Notwithstanding Subsections 10 (3) (iii) and 10 (4) (i) of Zoning By-law No. 6593, a rear yard of a depth of at least 4.9 metres shall be provided and maintained, and a minimum lot width of 9.1 metres and minimum lot area of 295 square metres shall be provided and maintained.

3. No building or structure on Block “1” 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 “H” (Community Shopping and Commercial, Etc.) District provisions.

4. No building or structure on Block “2” 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 “D” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District provisions, subject to the special requirements referred to in Section 2.

5. 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 , 2005.

MAYOR

CLERK

ZAC-05-72
OPA-05-12
Schedule "A"

Map Forming Part of By-Law No. 05--

To Amend By-Law No. 6593

Subject Property
50 & 52 Fraser Avenue and 57 Argyle Avenue (Olympia Banquet Centre)

Block 1 - Change in Zoning from the "D" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "H" (Community Shopping and Commercial, Etc.) District

Block 2 - Change in Zoning from the "D"/UR (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the "O/S-1535" (Urban Protected Residential - One and Two Family Dwellings, Etc.) District

Scale: Not to Scale

File Name/Number: ZAC-05-72 & OPA-05-12

Date: August 5, 2005

Planner/Technician: JM/LMM

T&C File Name:  