September 27, 2010
UCC #1005

Ms. Rose Caterini, City Clerk,
City of Hamilton Clerks Department,
71 Main Street West,
City of Hamilton
1st Floor
L8P 4Y5

Dear Ms. Caterini,

Re: Economic Development and Planning Committee Report 10-018 - Item 12 therein
Application for Zoning By-law Amendment ZAC-10-006 – 620 Fruitland Road

At the Economic Development and Planning Committee meeting of September 21, 2010, our application for amendment was denied by Committee. The reasons for their decision are outlined in Report 10-018 before you. The purpose of the application was to add additional uses to an already permitted use. Planning staff undertook their review and had recommended approval of the application.

The proposed amendment would seek to add small convenience use, a coffee counter and associated drive-thru and a standalone carwash to the already permitted gas bar use; an otherwise common motor vehicle service station makeup.

For immediate reference, the reasons for Committee’s denial are captioned below:

(a) that the proposed uses are not ancillary to the employment lands uses;
(b) that the uses proposed are premature; and
(c) that the uses proposed would compete with the commercial uses in the area.

It is our assertion that:

a) that a motor vehicle service station is indeed an ancillary use to an employment area and occur with great frequency throughout employment areas throughout the province. The gas station use is already permitted under current zoning on these lands. The City’s new Employment lands Zoning By-law 05-200 also increases the as-of-right permissions in this regard.
b) The use is not premature as the existing employment lands east and west of this intersection are substantially built-out and the proposed use would serve the employment lands (employees, employers, clients and consumers) as intended.

c) The use at this location is intended to, and will, serve the employment lands. Commercial in the area is actually situated inland from the QEW a substantial distance and borders large residential neighbourhoods and proposed residential neighbourhoods at the intersection of Barton and Fruitland. This commercial location will capture residential markets as well as inbound employment traffic coming from the inland urban areas. However, our location being in the employment area and captures a different market. Approximately two-thirds of the persons accessing the employment area, whether employee, employer, clients or consumers, do so from the QEW. It is unrealistic to expect this volume of persons to travel beyond their destination, up to the borders of residential neighbourhoods, to access a service station for their most basic daily needs.

We respectfully request Council give due consideration on reversing the decision of Committee and follow with staff recommendations to approve the application.

Respectfully submitted,
UPPER CANADA CONSULTANTS

Chris Millar, M.C.I.P., R.P.P.

cc: Mr. A. Qaisar, 1823474 Ontario Inc.
    Mr. F. Rudolph, Rudolph Law