TO: Chair and Members
Planning Committee

WARD(S) AFFECTED: WARD 6

COMMITTEE DATE: November 8, 2011

SUBJECT/REPORT NO:
Application for a Zoning By-law Amendment on Lands Located at 1285 Upper Ottawa Street (Hamilton) (PED11159) (Ward 6)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Joe Muto
(905) 546-2424, Ext. 7859

SIGNATURE:

RECOMMENDATION

That approval be given to Zoning Amendment Application ZAC-11-032, by C & H Properties Inc., c/o Gerald Williams, Owner, for a change in zoning from the “M-13” (Prestige Industrial District to the “G-1/S-1650” (Designed Shopping Centre) District, Modified, with a Special Exception, to permit the development of a drug store and commercial retail building, for a combined total of 2,295 square metres of gross floor area, for lands located at 1285 Upper Ottawa Street (Hamilton), as shown on Appendix “A” to Report PED11159, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED11159, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Trenholme Neighbourhood Plan.
EXECUTIVE SUMMARY

The purpose of this application is to amend the City of Hamilton Zoning By-law in order to permit the development of the subject lands for commercial uses in accordance with the City of Hamilton Official Plan, including a Rexall Drug Store and other retail uses which have not yet been determined. The proposed development would also provide for parking, loading, and an enhanced landscaped feature at the corner of Upper Ottawa Street and Stone Church Road East, as shown on the conceptual site plan (see Appendix “C”).

The proposal has merit and can be supported since the application is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe, and conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan. The proposed development is compatible with and complementary to the existing uses in the immediate area. The proposed development also represents good planning by providing for an enhanced streetscape through urban design features.

Alternatives for Consideration - See Page 15.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

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.

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The applicant has applied for an amendment to rezone the subject lands from the “M-13” (Prestige Industrial) District to the “G-1/S-1650” (Designed Shopping Centre) District, Modified, to permit the development of a drug store and a commercial retail building, for a total of 2,295 square metres of gross floor area. Site-specific regulations are proposed to the parent “G-1” (Designed Shopping Centre) District. They include modifications to the standard parking stall dimensions, a reduction to the side yard width adjoining Upper Ottawa Street, and landscape area definition. These modifications are discussed in the Analysis/Rationale for Recommendation section of this Report. The effect of the application, if approved as submitted, will allow for the development of two
commercial buildings, associated parking, loading, and landscaping, which will be implemented through Site Plan Control.

**Chronology:**

**November 24, 2010:** Submission of FC-10-115 (Formal Consultation).

**December 15, 2010:** FC-10-115 is discussed at the Development Review Committee, and shortly thereafter a Formal Consultation Document is issued to the applicant identifying the requisite list of studies and reports necessary to deem any future Planning Act application(s) complete.

**May 30, 2011:** Application ZAC-11-032 is received with the requisite list of studies and reports.

**June 1, 2011:** Application ZAC-11-032 is deemed complete.

**June 2, 2011:** Application ZAC-11-032 is circulated to the relevant departments and agencies, and the Notice of Complete Application and Preliminary Circulation is mailed to all residents within 120 metres of the subject lands.

**October 13, 2011:** Notice of Public Meeting is mailed to all residents within 120 metres of the subject lands.

**Details of Submitted Application:**

**Location:** 1285 Upper Ottawa Street (Hamilton) (see Appendix “A”)

**Owner/Applicant:** C & H Properties Inc. (c/o Gerald Williams)

**Agent:** Agora Research Group Inc. (c/o Claudio Balbinot)

**Property Description:**

- **Lot Frontage:** Upper Ottawa Street - 107.29 metres
  Stone Church Road East - 63.09 metres
- **Lot Depth:** 119.48 metres
- **Lot Area:** 0.89 hectares
- **Servicing:** Municipal Servicing
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>
<td>Vacant</td>
<td>&quot;M-13&quot; (Prestige Industrial) District</td>
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Surrounding Land Uses:

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<th>Existing Zoning</th>
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<td>North</td>
<td>Public Works Yard</td>
<td>Prestige Industrial (M3) Zone</td>
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<tr>
<td>West</td>
<td>Block Townhouses</td>
<td>&quot;E-2/S-335&quot; &amp; &quot;E-2/S-363a&quot; (Multiple Dwellings) District, Modified</td>
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<tr>
<td>South</td>
<td>Commercial Plaza</td>
<td>&quot;M-11&quot; (Prestige Industrial) District</td>
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<tr>
<td>East</td>
<td>Vacant</td>
<td>&quot;M-13/S-1293a&quot; (Prestige Industrial) District, Modified</td>
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POLICY IMPLICATIONS

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the Provincial Policy Statement since Policy 1.1.3.1 states that ‘Settlement Areas’ shall be the focus of growth. Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (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. The subject lands are located within the City of Hamilton’s built boundary.
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. Based on the foregoing, this proposed commercial development will meet the general intent of the Places to Grow Plan.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area - Business Park” in the Hamilton-Wentworth Official Plan. Policy C-3.1.3 outlines that the main function of the Business Parks is to accommodate firms that require relatively low density sites with the locational or other advantages that come from being in a particular Business Park. It is intended that Business Parks augment rather than compete with other employment areas in the Region, including established retail and commercial areas in the Regional Centre and mixed-use centres. Services and retail facilities located in the Business Parks should be primarily devoted to servicing industrial and business operations and employees. Some flexibility in the policies will permit consideration of mixed uses within the Business Parks.

In addition, Policy C-3.1.3.2 states that the Region will permit in Business Parks grouped commercial uses of retail or service nature such as banks, restaurants, and professional offices that will not adversely affect established and/or approved retail areas. Such uses will be directed to locations along major roads or in designated commercial nodes within the Business Parks. The subject lands are situated at an intersection of two major roads and would, therefore, comply with this policy. Further, Policy C-3.1.3.3 states that the Region will require Area Municipality Official Plans to contain detailed policies that identify the type and locational criteria for permitted commercial uses. The subject lands are designated “Commercial” in the City of Hamilton Official Plan and, as such, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

**City of Hamilton Official Plan**

The subject property is designated as “Commercial” on Schedule “A” - Land Use Plan, in the City of Hamilton Official Plan. The general intent of the “Commercial” designation is to ensure that development occurs in an orderly manner, which is consistent with the needs of the community. The policy text pertaining to the “Commercial” designation also promotes a high aesthetic quality in all commercial areas ensuring that impacts are minimal to adjacent uses, including the safe and accessible movement of both vehicular and pedestrian traffic, as well as providing adequate parking and loading facilities. In principle, the conceptual site plan achieves this policy intent, and the subject lands will undergo further review through the formal Site Plan Control process.
The subject lands are 0.89 hectares in size. Policy 2.2.1 of the Plan identifies that the primary uses for commercial lands exceeding 0.4 hectares will be for Commerce. The Plan defines Commerce as establishments which buy and sell goods or services, business offices, hotels, and convention and entertainment facilities. In this regard, the proposed development would comply with this Policy.

The Plan also provides for a hierarchy of commercial uses and policies for each. The subject lands could be subcategorized as “Shopping Centres” or as “Extended Commercial”. In this regard, the “Shopping Centres” category applies to groups of Commercial establishments planned and developed as a unit, and have not less than 1,400 square metres of gross floor area (GFA). The subject lands would meet these parameters. Further, the “Shopping Centres” category provides for specific classifications. In this regard, the subject lands would be considered a “Neighbourhood Shopping Centre”, which is identified as having a GFA of 2,000 square metres to a maximum of 14,000 square metres, since the proposed development has a GFA of 2,295 square metres. The Plan does not require a market assessment for this size of commercial development. Policy 2.2.12 of the Plan specifies that Council can only consider approval of a proposal for a “Shopping Centre” which is situated on an arterial road. In this regard, the subject lands are located at the intersection of two arterial roads and comply with this policy.

Policy 2.2.13 identifies that “Shopping Centres” proposed in “Extended Commercial” areas or locations are preferred wherein they would serve to infill or, in this case, consolidate existing Commercial development. In this regard, the subject lands are located in a stretch of individually managed commercial establishments located along two arterial roads which serve both pedestrian and automobile borne trade. Therefore, the proposal would also respect the “Extended Commercial” policies, specifically those related to “Ribbon” Commercial uses located on smaller lots which predominantly serve the residents and pedestrians in the immediate area, yet also provides for specialized land uses that would attract automobile borne traffic from beyond the local area.

The Plan provides General Provision policies to the Commercial designation. Policy 2.2.34 states that commercial establishments proposed adjacent to existing commercial uses will be encouraged to integrate the design and dimension of structures, parking areas, and access points with those of the adjacent uses. In this regard, the proposed development has been effective in meeting the intent of this policy.

Based on the above, the proposed development addresses the above noted policies and conforms to the City of Hamilton Official Plan.
Trenholme Neighbourhood Plan

The subject lands are identified as “Multicentre” in the Trenholme Neighbourhood Plan. The proposed change in land use would not require amendment to this plan, as the “Multicentre” designation is intended to contain a variety of land uses combined to create a vibrant and functional focus for community life. The proposed commercial development encourages employment, promotes a design which is oriented to the pedestrian, and provides commercial uses that will serve the immediate community. Therefore, the proposed development conforms to the Trenholme Neighbourhood Plan.

New Urban Hamilton Official Plan (UHOP)

The UHOP provides policies with respect to “Quality of Life and Complete Communities”; more specifically to this development, the “Urban Design Policies” in Sub-section 3.3 are applicable. The policies focus on shaping the physical form of the urban areas of the City by upgrading and maintaining civic image, economic potential, and quality of life. In this regard, the general intent is to ensure that physical design creates attractive, lively, and safe communities where people want to live and visit, and where businesses want to establish and grow. The urban design goals identified in the Plan shall enhance the sense of community pride, create quality spaces, create pedestrian oriented places, and, ensures that new development is compatible with and enhances the character of the existing area. The urban design principles for new development and re-development are to foster a sense of community pride and identity. The applicable principles for this development shall respect existing character, development patterns, built form, and landscape. Other applicable principles include demonstrating sensitivity toward community identity through an understanding of the character of place, contributing to the character of the community through appropriate design of streetscapes, and respecting prominent sites. With respect to the conceptual parking lot, Section 3.3.10 of the UHOP identifies that parking area shall be connected to the street through safe, landscaped pedestrian walkways, and that the perimeters of surface lots be landscaped with appropriate materials. The proposed development and conceptual site plan respects these policies. The Urban Design Brief submitted with the application also refers to these policies, and staff is of the opinion that the proposed zoning application has regard to them. Through Site Plan Control, the proposed development will be further reviewed to ensure that the urban design goals and principles are achieved.

The UHOP was adopted by Council on July 9, 2009, and was approved, with modifications, by the Ministry of Municipal Affairs and Housing on March 16, 2011. Various appeals have been filed with the Ontario Municipal Board and, therefore, the plan is not yet in effect. The subject lands are designated as “Neighbourhoods” on Schedule “E” - Urban Structure, and as “District Commercial” on Schedule “E-1” - Urban Land Use Designations.
**Neighbourhoods Designation:**

The UHOP identifies “Neighbourhoods” as diverse and unique, which ranges from old to new, each with their own sense of character that comprises the overall mosaic of the City. The main goals of this designation is to develop compact, mixed-use, transit-supportive areas that function as their own complete community, wherein people live, work, shop, learn, and play. With respect to the subject lands, the policies indicate that proposals for supporting uses must be compatible to the surrounding area in terms of scale, massing, height, orientation, parking, setbacks, and landscaping. As well, it must have access to a collector, provide adequate off-street parking, and comply with the Urban Design policies. With the application, the applicant submitted a Planning Justification Report and Urban Design Brief that outlines how the intended proposal would meet the intent of these policies. Staff supports those conclusions, and is of the opinion that the proposed development has regard for the policies within the “Neighbourhoods” designation.

**District Commercial Designation:**

The subject lands are designated as “District Commercial” in the UHOP. The intended uses in this designation are to provide retail and service commercial uses to the immediate neighbourhood. The area around Upper Ottawa Street and Stone Church Road East is an area intended to contain a range of retail shops and services which are to cater to the weekly and daily shopping needs of residents in the surrounding neighbourhoods. It is also intended that such retail shops and services may currently be clustered in a plaza form, but new areas or expansions of existing areas can create an improved street presence by bringing the store up to the edge of the street. One of the key functions of the “District Commercial” areas is to serve as a focus for the adjacent neighbourhood by creating a sense of place. The proposed development would be a permitted use within the “District Commercial” designation, and conceptually designed at a scale that would conform to the policies associated with this designation.

Based on the above, the proposal would conform to the policies of the new Urban Hamilton Official Plan.

### RELEVANT CONSULTATION

**Agencies/Departments that did not Respond or Have no Concerns or Objections**

- Taxation Division, Corporate Services Department.
- Recreation Division, Community Services Department.
- Operations and Waste Management Division, Public Works Department.
- Environment and Sustainable Infrastructure Division, Public Works Department.
- Hamilton Street Railway, Public Works Department.
Horizon Utilities.

**Agencies/Departments that Submitted Comments**

**Traffic Engineering (Public Works Department)** has advised that they have reviewed the Traffic Impact Study (TIS) submitted with the rezoning application, which addresses the driveway locations on Stone Church Road East and Upper Ottawa Street. They have no concerns and accept the location of the proposed driveways. They also advise that Traffic Operations staff will need to revise the existing pavement markings on Stone Church Road East to accommodate the proposed driveway. They advise that it is the owner’s responsibility to contact staff when the site development works commence to arrange for pavement marking revisions. They further advise that the TIS be moderately revised to remodel the westbound through and right turn movements. If the overall level of service and data changes with the revised analysis, a minor addendum to the TIS must be provided. They further advise that the conceptual site plan submitted with the rezoning application identifies a decorative landscaping feature, and that it must not impact the visibility triangle area. None of the above noted comments would impact the change in land use, however, they advise that at the Site Plan Review stage of development, the following conditions will be imposed:

Any new or change in access requires an Access Permit issued by their office. The applicant can call the Traffic Engineering Office, and a copy of the Approved Site Plan must be submitted, with payment of $100.00, to initiate the process. Any costs for traffic sign or utility relocation, or other items, are the sole responsibility of the owner. All driveway work on the City’s road allowance must be constructed by a contractor bonded with the City of Hamilton. A site visit with the owner’s contractor and City staff is required at the Access Permit stage. All redundant accesses must be removed by the owner and the curb and sidewalk reinstated. They will also require a minimum clearance of 1.2 metres between the proposed accesses and any adjacent poles, hydrants, etc. Any relocation of these items must comply with City standards, and will by undertaken at the owner’s expense. Municipal sidewalks must be constructed through the site access points at the existing sidewalk grade to assist in designating the right-of-way to the pedestrian and not the right-of-way for vehicles travelling inbound and outbound. We note for future site plan submissions that all portions of the new access designs must be maintained within the limits of the property and not encroach in the boulevard area onto the adjacent properties. A minimum 9 metre width will be required for accesses that serve a commercial function or provide truck access. A larger driveway width may be necessary, dependent on the truck usage. These issues will be further reviewed at the Site Plan Control stage.
Forestry and Horticulture Section (Public Works Department) has advised that the Tree Protection Report, which was submitted with the rezoning application, has been reviewed, however, must be amended. These minor amendments involve inconsistencies within the Report that include providing additional information and clarification on inventoried trees, a disconnection of information regarding trees on private versus municipal property, grade changes under the dripline of some trees, and the placement of tree protection zone fencing. They also advise that mitigation of run-off be provided in the way of bioswales, and that an Edge Management Plan will be required, as well as a landscape plan. In discussion with Forestry staff, they advise that they do not object to the change of land use in principle; however, they would require that the above noted concerns be addressed prior to final site plan approval.

Hamilton Conservation Authority (HCA) has advised that their comments, dated February 9, 2011, from the Formal Consultation review, are still applicable. They are as follows:

That the subject lands are within the Subwatershed area of the Red Hill Creek that drains into the Hamilton Harbour. They indicate that the area has a Remedial Action Plan to restore the health of the Harbour by reducing the amount of sediment entering the Harbour and Lake Ontario through improvement of stormwater quality. The HCA will require that Enhanced (Level 1) quality control be provided, and the new development will require on-site quality control measures to meet the Enhanced level requirement. In addition, as the proposed development will result in a significant increase in the imperviousness of the site, stormwater quantity control will be required to treat pre- to post-development levels for storms from 1:2 year to the 1:100 year. They advise that a stormwater management report, site grading, site servicing, and sediment and erosion control drawings will be required in conjunction with HCA’s review of a future site plan control application. They also advise that since the subject lands do not contain any natural heritage or natural hazard lands, the proposed new development will not require a permit from the HCA. The HCA does not object to the change in zoning, but notes that at the Site Plan Control stage, they will require conditions prior to final approval related to erosion and siltation control features, tree preservation plan, grading, drainage control, stormwater management report, and detailed engineering drawings thereto.

Bell Canada has advised that they will require one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated, and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line. They further advise that a conduit from main IT or electrical room to the property line, if conflicts with existing Bell Canada facilities or easements occur, the owner will be responsible for rearrangements or relocations. These concerns will be formally addressed through the site plan control process.
Public Consultation

In accordance with the Bill 51 changes to the Planning Act and Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the applications was circulated to 202 property owners within 120 metres of the subject property on June 10, 2011. A Public Notice Sign was also posted on the subject lands on June 17, 2011. As a result of the preliminary circulation and notice, staff received one letter submitted by a neighbouring commercial land owner, which is included in Appendix “F”. Comments and concerns are discussed in the Analysis/Rationale for Recommendation section of this Report. Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed change in zoning has merit and can be supported for the following reasons:

(i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Growth Plan for the Greater Golden Horseshoe.

(ii) It conforms to the Hamilton-Wentworth Official Plan, and implements the City of Hamilton Official Plan, and the Trenholme Neighbourhood Plan.

(iii) The proposed development is considered to be compatible with existing land uses in the immediate area.

(iv) The proposed development represents good planning and design through enhancing the northeast corner of Upper Ottawa Street and Stone Church Road East.

2. The current land use designation in the City of Hamilton Official Plan is “Commercial”. However, the City of Hamilton By-law No. 6593 zones the lands as “M-13” (Prestige Industrial) District. The City of Hamilton recently approved the City-Wide Industrial Zones, which were subsequently appealed to the Ontario Municipal Board (OMB). The OMB issued their decision and final order on June 28, 2011. The subject lands were not carried forward as Industrial in this process. The reasoning for this is that the future land use designation in the new UHOP is “District Commercial”. As noted above, the UHOP is under appeal and currently before the OMB. The proposed development would be in keeping with the proposed “District Commercial” policies.
3. The development proposal necessitates the following site-specific requirements (see Appendix “B”):

**Minimum Parking Requirements:**

The applicant has requested modifications to the parking requirements as it relates to the size of the parking spaces. Specifically, the parking space size will be a minimum width of 2.75 metres and a minimum length of 5.5 metres, whereas the By-law requires a width of 2.7 metres by a length of 6.0 metres. The parking space size length of 5.5 metres is the only dimension which requires modification. This dimension is consistent with the requirement in Hamilton Zoning By-law No. 05-200. The relief being sought is minor, and staff is supportive of the modification.

**Rear Yard Depth (Minimum):**

By-law No. 6593 does not contain a provision for determining the front lot line. Therefore, with respect to reviewing the subject lands against the By-law provisions, the City has used Stone Church Road East as the front lot line. This site-specific zone would also require a modification for the minimum rear yard depth to 3.1 metres solely for the rear yard depth of the commercial retail building, whereas the “G-1” (Designed Shopping Centre) District requires a minimum 9.0 metres. This modification is supportable, as there would be no foreseeable impact on the abutting industrially zoned lands to the north, which are owned and operated by the City’s Public Works Department - Traffic Operations Facility.

**Side Yard Width - Adjoining a Street (Minimum):**

A modification will also be required for the side yard of the commercial retail building fronting onto Upper Ottawa Street of 3.1 metres, whereas By-law No. 6593 requires 11.0 metres. So as to provide a pedestrian-oriented streetscape and flexibility in building design and built form, it is recommended that the side yard setback be reduced to 3.1 metres. The conceptual site plan and elevations (see Appendices “C,” “D,” and “E”) in conjunction with the Urban Design Brief achieves this goal and, therefore, is considered to be good land use planning.

**Definition of a Landscape Area:**

The conceptual site plan (see Appendix “C”) has identified some enhanced landscaping and urban design features which would not be permitted under By-law No. 6593, as per the definition of “landscape area”. Staff is of the opinion that the proposed development would provide an enhanced streetscape through good urban design principles. Further, the modification is generally required for
the area closest to the intersection of Stone Church Road East and Upper Ottawa Street. This area is of focal importance, and staff can support the modification as it will not have any impact to the landscape area.

4. At the formal consultation stage, it was identified that the subject lands are a prime location for urban design criteria, as outlined in the City’s Site Plan Guidelines (i.e. transit, pedestrian, automobile trade at a major arterial intersection). The applicant, in consultation with staff, developed a vision for how the site should be developed. With the submission of the rezoning application, an Urban Design Brief, by Agora Research Group Inc., dated May, 2011, was provided. Staff has reviewed the Urban Design Brief, and is in agreement with the design principles and conclusions. These conclusions will be implemented through the formal site plan approval process via elevation, landscape, and site plans and/or details.

5. Engineering staff has reviewed the Functional Servicing Report (FSR), prepared by Soscia Engineering Ltd., dated May 16, 2011, and the subsequent addendum dated August 5, 2011, for the subject lands. Engineering staff is satisfied with the proposed servicing strategy. Servicing and grading plans will be required as part of conditional site plan approval, and detailed design will be further reviewed by Development Engineering at that time.

6. Due to the existing address of 1285 Upper Ottawa Street being out of sequence with surrounding addresses, a change of address to 1381 Upper Ottawa Street is required. A Change of Address application will need to be submitted to the Growth Planning Section, with the applicable fee of $250.00 for 2011, to change the address from 1285 Upper Ottawa Street to 1381 Upper Ottawa Street.

7. In response to the circulation of the application, one letter was received from an abutting commercial property owner, located at the southwest corner of Stone Church Road East and Upper Ottawa Street. A letter of concern was received on August 12, 2011, from Weston Consulting, on behalf of the owner. Their letter is included in this Report (see Appendix “F”). They have raised concerns with the proposed development as it relates to layout and design of the proposed development. The response for each concern is discussed below.

**Location and Orientation of Buildings:**

The letter has raised concern with respect to the proposed development conforming to the UHOP with respect to the building location and the distance from sidewalk to it. In December, 2010, the applicant underwent a formal consultation and development review with City staff. Through that review process, there was much discussion with staff regarding building orientation and good design principles. Various renderings and conceptual elevations were
prepared and discussed between the applicant and staff. Further to these discussions, the applicant prepared an Urban Design Brief, which has been reviewed by staff and, in principle, has no further concern with the current conceptual site plan and elevations (see Appendices “C”, “D”, and “E”). Their concerns stem from the UHOP policies, which are currently not in force as the Plan is before the OMB. Therefore, the current City of Hamilton Official Plan is the applicable policy document in this regard. The letter specifically indicates that the proposed development does not comply with the UHOP “District Commercial” designation as it relates to the location of buildings, parking, aisles, and the principle sidewalk. Even though the Plan is not currently in effect, it is staff’s opinion that the proposed development does not offend the overall policies related to the “District Commercial” design principles, as identified in Section 4.7.11 of the UHOP. As mentioned above, an Urban Design Brief was prepared for the proposed development, and accepted by the City.

**Location of Parking Areas:**

The letter references a policy concern with the UHOP; they have suggested that the distance from the proposed parking area to the sidewalk creates a barrier. Specifically, as it pertains to Section 4.7.12 of the Plan, which indicates that “…smaller retail buildings shall be located up to the street to create a strong pedestrian orientation”. It is staff’s opinion that the proposed concept maintains this intent as the orientation of the building and façade is centred towards the intersection of the two streets and the second building is proposed to be brought up to the street along Upper Ottawa Street. Also, the proposed conceptual site plan provides for an enhanced level of landscaping treatment, which is inviting to pedestrian movement, as it will provide for a direct connection to the drug store and a link to the second commercial building to the north.

**Location of the Principle Entrances:**

The letter also raises concern over the location of the drug store entrance door, and secondly, that the commercial building to the north does not appear to provide direct access to the sidewalk along Upper Ottawa Street. As already noted, the applicant has submitted an Urban Design Brief, and staff is in agreement with the principles and conclusions made in the Urban Design Brief. It is staff’s opinion that the proposed drug store entrance is in keeping with good urban design principles, as it provides a direct and safe connection from the sidewalk to the drug store. The conceptual site plan also establishes pedestrian connections to the drug store from the east, and the proposed commercial building to the north also establishes a direct pedestrian connection from Upper Ottawa Street. It is staff’s opinion that the proposed concept plan meets the intent of UHOP Policy 4.7.12.
ALTERNATIVES FOR CONSIDERATION
(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the application is denied, the subject lands could be developed for prestige industrial uses in accordance with the provisions of the existing “M-13” (Prestige Industrial) District, of Zoning By-law No. 6593.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Financial Sustainability
- Effective and sustainable Growth Management.
- Generate assessment growth/non-tax revenues.

Growing Our Economy
- Newly created or revitalized employment sites.
- Competitive business environment.
- A skilled and creative labour pool that supports new employers.

Healthy Community
- Plan and manage the built environment.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Implementing Zoning By-law
- Appendix “C”: Conceptual Site Plan
- Appendix “D”: Conceptual Elevation of Commercial Building
- Appendix “E”: Conceptual Elevation of Drug Store
- Appendix “F”: Letter from Weston Consulting

JM:
Attachs. (6)
Appendix “A” to Report PED11159
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CITY OF HAMILTON

BY-LAW NO. 6593 (Hamilton)

To Amend Zoning By-law No. 6593 (Hamilton)
Respecting the Property Located at 1285 Upper Ottawa Street

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 area municipality known as “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 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 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 Item of Report 11- of the Planning Committee, at its meeting held on the day of 2011, 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-59c of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,
(a) by changing from the “M-13” (Prestige Industrial) District to the “G-1/S-1650” (Designed Shopping Centre) District, Modified, on the lands the extent and boundaries of which are shown on the plan hereto annexed as Schedule “A”.

2. That the “G-1” (Designed Shopping Centre) District regulations, as contained in Section 13A of Zoning By-law No. 6593, applicable to the lands identified in Section 1, be modified to the extent only of the following special requirements:

(a) That notwithstanding Sub-section 13A (4) (a) of Zoning By-law No. 6593, a minimum westerly side yard of 3.1 metres shall be provided and maintained.

(b) That notwithstanding Sub-section 13A (4) (a) of Zoning By-law No. 6593, a minimum rear yard depth of 3.1 metres shall be provided and maintained.

(c) That notwithstanding Sub-section 18A(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.7 metres wide and 5.5 metres long.

(d) That notwithstanding Sub-section 2.(2).J.(xb) of Zoning By-law No. 6593, for the purposes of this By-law, street furniture, a walkway, and decorative fencing shall be permitted within the required landscape area.

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 “G-1” (Designed Shopping Centre) District provisions, subject to the special requirements referred to in Section 2.

4. That Zoning By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1650.

5. That Sheet No. E-59c of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1650.

6. 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 [ ], 2011.

________________________________________  _____________________________________
R. Bratina                                      Rose Caterini
Mayor                                          Clerk

ZAC-11-032
This is Schedule "A" to By-Law No. 11-
Passed the ........... day of .................., 2011

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Schedule "A"
Map Forming Part of
By-Law No. 11-____
to Amend By-law No. 6593

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Subject Property
1285 Upper Ottawa Street

Change in Zoning from the "M-13" (Prestige Industrial) District to the "G-U/S-1650" (Designed Shopping Centre) District, Modified

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Scale:
N.T.S.

Date:
Sep. 12, 2011

File Name/Number:
ZAC-11-032

Planner/Technician:
JM/KA

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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Clerk

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Mayor
Appendix “F” to Report PED11159
(Page 1 of 4)

Weston Consulting Group Inc.
Land Use Planning Through Experience and Innovation

August 4, 2011
File No. 5652

Planning and Economic Development Department
City Of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

ATTENTION: Mr. Joe Muto
Planner, Planning Division – Development Planning Section

Dear Sir:

Re: Letter of concern relating to proposed Zoning By-Law Amendment by C & H Properties for lands located at 1285 Upper Ottawa Street (File No. ZAC-11-032)

Weston Consultant Group Inc. (WCGI) is the planning consultant for the owners of the property located at 1070 Stone Church Road East. On behalf of our client we are submitting a letter of concern regarding the proposed Zoning By-law Amendment filed by C & H Properties for the lands located at 1285 Upper Ottawa Street (File No. ZAC-11-032).

Background

The application proposes to develop the lands with a commercial development consisting of approximately 2,000 m² (21,527 ft²) of retail floor area. The proposal consists of 2 buildings. The first building is identified as a proposed drugstore of approximately 1,100 m² (11,840 ft²). The second building is identified as a proposed commercial development of approximately 900 m² (9,687 ft²). The proposed development is accessed by two full move access points, one on Upper Ottawa Street and the second on Stone Church Road East. The proposed development provides 111 parking spaces and a drive through facility attached to the proposed drugstore.

The proposed drugstore is sited toward the interior of the site. Along the Stone Church Road frontage, the building is separated from the property line by a decorative fence, an interior drive aisle and a row of parking stalls. The building is separated along the Upper Ottawa Street frontage by a decorative fence, landscaped buffer, and a drive aisle with a row of parking stalls on either side.
The second commercial building is a rectangular building sited parallel to the rear property line with the narrowest portion of the building oriented toward the Upper Ottawa Street frontage. Access to this building appears to be located at the south west corner of the building. For reference, the proposed site plan has been attached as Appendix A.

**Objections to the Proposed Development**

The proposed layout and design of the project causes concern for our client. The development includes a number of site plan features and design elements that our client considers offensive to the Official Plan policies contained.

Specifically, our client takes issue with the location and orientation of the proposed buildings, the location of parking areas adjacent to the property line/sidewalk and the location of the principle entrances to the building. These objections are discussed in detail below.

**Location and Orientation of Buildings**

It is our observation that the principle facades for the proposed buildings are separated from the sidewalk by parking areas and drive aisles as well as landscaped areas adjacent to the sidewalk. This design is not considered to contribute to an animated sidewalk and public realm as the parking areas interrupt pedestrian flow from the public realm into each of the buildings. Furthermore, the proposed development provides for a significant separation distance between the sidewalk and the buildings. This separation reduces the pedestrian connectivity between the site and the surrounding development.

The proposed site layout challenges the new Urban Official Plan policies as they relate to Chapter E, Section 4.7.11 which requires smaller retail buildings to be located up to the street to create a strong pedestrian orientation. Furthermore, Chapter E, Section 4.7.13 of the Official Plan states that no parking, driveways, lanes, stacking lanes or aisles should be permitted between buildings and the public sidewalk, save and except for single use stores greater than 5,000 m². The proposed development is less than 5,000 m².

**Location of Parking Areas**

The location of the parking areas between the building and sidewalk creates a significant barrier between the sidewalk/public realm and the buildings. Furthermore, the inclusion of a decorative fence along the property line limits access to the site to only three locations, those being the two driveways and pedestrian entrance at the south west corner of the property. These factors do not provide for direct pedestrian access to the buildings as identified in Chapter E, Section 4.7.12 of the new Urban Official Plan.

**Location of the Principle Entrances**

Access to the proposed drugstore is provided by way of a single entrance door located at the south west corner of the building. Based on the above, the proposed location of the principle entrance challenges Chapter E, Section 4.7.12 of the new Urban Official Plan which requires buildings to have direct access from the sidewalk. Furthermore, the proposed commercial building located to the rear of the property does not appear to provide direct access to the sidewalk along the western façade of the building.
A review of the Consolidated 2010 City of Hamilton Official Plan indicates that the proposed development appears to conform to the relevant policies in the Consolidated 2010 Official Plan.

**Conclusion**

Based on the comments provided above, the proposed development is considered to challenge a number of relevant Official Plan policies regarding design and functionality. It is our position that new development proposals within the District Commercial Designation should respect the relevant policies contained in the new Urban Official Plan in order to create an improved street presence and livelier commercial district. Adherence to the Official Plan policies contributes to the success of the commercial district as a whole, and as such should be encouraged for new development proposals.

We appreciate your efforts to incorporate our comments in a future staff report for Council’s consideration so that City Council is made aware of our client’s concerns.

Should you have any questions and/or comments, please contact the undersigned at 905.844.8749 ext. 305

Yours truly,

**Weston Consulting Group Inc.**

David Capper, BES, RPP, MCIP
Senior Planner