SUBJECT: Application for a Further Modification to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at the Northwest Corner of Rymal Road East and Upper Centennial Parkway (Stoney Creek) (PED08042) (Ward 9)

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAR-07-069, by MHBC Planning Limited, Agent for 2257 Rymal Road Development (2005) Corporation, Owner, for a further modification to the Community Shopping Centre “SC2-2” Zone, in order to permit a “Personal Service Shop” on the lands located at the northwest corner of Rymal Road East and Upper Centennial Parkway, as shown on Appendix “A” to Report PED08042, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed modification in zoning conforms to the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.
EXECUTIVE SUMMARY:

The purpose of the application is to further modify the Community Shopping Centre “SC2-2” Zone on the subject lands in order to add a Personal Service Shop as a permitted use. The proposed modification in zoning has merit and can be supported as it conforms to the City of Stoney Creek Official Plan and the Hamilton-Wentworth Official Plan, and is consistent with the Provincial Policy Statement.

BACKGROUND:

Proposal

The applicant proposes to further modify the current Community Shopping Centre “SC2-2” Zone to add a Personal Service Shop as a permitted use on the subject lands.

A Personal Service Shop is defined in Zoning By-law No. 3692-92 as follows:

“a building or part thereof used for performing services for the individual and personal needs of persons including barber shops, beauty shops, estheticians, hairdressing salons, tanning salons, shoe repair shops, tailor shops, dressmaking shops, dry cleaning depots, laundromats, photographic studios, optical shops, but does not include a body-rub parlour or adult entertainment parlour, as defined in the Municipal Act, R.S.O. 1980, C.302, as amended.”

Development Applications

A portion of the subject lands south of the existing Fortino’s supermarket has not been fully developed. Existing uses include a TD Canada Trust bank, a McDonald's restaurant, and a multiple tenant commercial building, which are shown on the sketch attached as Appendix “C”. The multiple tenant commercial building currently only has one tenant, the Liquor Store, which occupies approximately one third of the building. Current development applications include:

DA-07-109 (to amend DA-05-146)

An amendment was submitted to make minor changes to the design of a retail building previously approved for the site in order to construct “The Beer Store”. The amendment received final approved on October 24, 2007, but the building has not been constructed yet (see Appendix “C”).

DA-07-186 (to amend DA-07-109)

An amendment to permit an additional garbage bin adjacent to the Beer Store and to permit a 372 square metre retail building (Building D) has been submitted, and is currently being processed (see Appendix “C”).
Details of Submitted Application

Location: Northwest corner of Rymal Road East and Upper Centennial Parkway (see Appendix “A”)

Owners: 2257 Rymal Road Development (2005) Corporation Loblaw Properties Limited

Applicant: MHBC Planning Limited

Property Description: Total Lot Area: 9.17 hectares

Total Lot Frontage: 393.1 metres on Upper Centennial 214.8 metres on Rymal Road East

Servicing: Municipal Servicing

EXISTING LAND USE AND ZONING

<table>
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<tr>
<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td></td>
<td>Commercial</td>
<td>Community Shopping Centre “SC2-2” Zone</td>
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<tr>
<td>North</td>
<td>Vacant</td>
<td>Neighbourhood Development “ND” Zone</td>
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<tr>
<td>West</td>
<td>Vacant, Residential, Commercial</td>
<td>Neighbourhood Development “ND” Zone, Single Residential “R3” Zone, General Commercial “GC-54” Zone, Highway Commercial “HC-4” Zone</td>
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<tr>
<td>South</td>
<td>Rural Industrial</td>
<td>Rural Industrial Business Park “M6-138” Zone</td>
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<td>East</td>
<td>Agricultural</td>
<td>Agricultural “A” Zone</td>
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ANALYSIS/RATIONALE:

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

   • It is consistent with the Provincial Policy Statement.
• It conforms to the “Urban Area” designation of the Hamilton-Wentworth Official Plan and is consistent with the “Shopping Centre” designation of the City of Stoney Creek Official Plan.

• It conforms to the “Community Shopping Centre” designation of the West Mountain Planning District (Heritage Green Section) Secondary Plan.

• The proposed modification is considered to be minor in nature and appropriate for the desired development of the subject lands.

2. The subject application was originally submitted for only the southern-most section of the subject lands (shown on Appendix “C”). It did not include the area to the north containing a vacant land parcel and the Fortino’s supermarket, which are all part of the same site specific zoning. The application was amended at the request of staff to include all of the lands which are subject to the Community Shopping Centre “SC2-2” Zone as it functions as one commercial development. The existing Community Shopping Centre “SC2-2” Zone states that the lands to which the zone applies shall be considered as one lot. Therefore, the proposed zoning change has been applied to the entire Community Shopping Centre “SC2-2” Zone to take this consideration into account.

3. The prior zoning on the majority of the subject lands was the Neighbourhood Shopping Centre “SC1-2” Zone. The vacant lands to the north of the existing Fortino’s store were zoned Neighbourhood Development “ND”. The prior Neighbourhood Shopping Centre “SC1-2” Zone permitted Personal Service Shop uses as-of-right.

The zoning for all of these lands was amended to the Community Shopping Centre “SC2-2” Zone in 2005 to allow for an expansion of the existing Fortino's supermarket, and to incorporate the additional lands north of the Fortino's supermarket into the Community Shopping Centre “SC2-2” Zone for the future development of a parking lot, gas bar and car wash associated with the supermarket. The change from the Neighbourhood Shopping Centre “SC1-2” Zone to a Community Shopping Centre “SC2-2” Zone was required to recognize the overall increase in the size of the shopping centre area. Although the main purpose of the zoning change did not relate to the types of uses permitted in this shopping area, the new Community Shopping Centre “SC2-2” zone did have the effect of changing some of the uses which were permitted by the zoning regulations. "Personal Service Shops" are one of the uses which were no longer included in the new zoning.

4. By definition, “Personal Service Shop” uses can include a variety of different types of commercial businesses which provide a service to the surrounding community (see Background - Proposal). Since the general intent of the Community Shopping Centre “SC2-2” Zone is to permit a large number of different commercial uses, the
addition of a “Personal Service Shop” as a permitted use on the subject lands is appropriate.

The past changes to the site, including the expansion of the Fortino’s supermarket and the future planned development for the northern portion of the site, which necessitated the change in zoning from the Neighbourhood Shopping Centre “SC1-2” Zone to the Community Shopping Centre “SC2-2” Zone, did not have a significant effect on the types of commercial uses which are appropriate to the site. “Personal Service Shops” are not intrusive commercial uses, and will not impact the function of the site as a Community Shopping Centre.

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not approve the proposed changes in zoning, the applicant will not be permitted to operate a Personal Service Shop on the subject lands. The use of the subject lands would continue to be regulated by the existing Community Shopping Centre “SC2-2” Zone.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The 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 and their vitality and regeneration shall be promoted.

**Hamilton-Wentworth Official Plan**

The subject land is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Part C 3.1.6.1 of the Plan states that the Region will “direct retail, commercial, and office uses to locate in Mixed Use Activity Centres and Corridors, Shopping Centres and existing and planned retail areas.” The proposed zoning modification will permit an additional commercial use (Personal Service Shop) within a planned retail shopping
centre area. Therefore, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

City of Stoney Creek Official Plan

The subject lands are designated “Shopping Centre” in the City of Stoney Creek Official Plan. Policy 3.3.1.2 of the Official Plan states that the Shopping Centre Designation applies to a broad range of commercial uses, including personal service shops. Therefore, the proposed rezoning conforms to the City of Stoney Creek Official Plan.

West Mountain Planning District Secondary Plan, Heritage Green Section

The subject lands are designated “Community Shopping Centre” in the West Mountain Planning District (Heritage Green Section) Secondary Plan. Shopping Centres with a “Community Shopping Centre” designation must have a gross leasable floor area of 14,000 to 23,000 square metres. The subject application conforms with the Community Shopping Centre designation, as it is not proposing to make any changes to the commercial developments which are built or approved for the site, and will not affect the gross leasable floor area.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Traffic Engineering and Operations Section, Public Works Department
- Waste Management Division, Public Works Department
- Horizon Utilities Corporation
- Niagara Peninsula Conservation Authority

PUBLIC CONSULTATION

In accordance with the Public Participation Policy approved by Council, preliminary consultation shall not be required if the application is to add a minor use as a special provision to an existing non-residential zoning category, unless the City’s Manager of Development Planning determines that it may be appropriate. The subject rezoning application is proposing to add a “Personal Service Shop” as a permitted use to the existing Community Shopping Centre “SC2-2” Zone; therefore, preliminary circulation was not required.

Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. In addition, a Public Notice Sign was erected on the property on December 10, 2007. To date, no inquiries have been received from members of the public.
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
Allowing personal service shop uses will provide a greater variety of services to the surrounding community.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
A “Personal Service Shop” will be permitted within a planned commercial development and will have no negative effect on the environment.

Economic Well-Being is enhanced. ☑ Yes ☐ No
The proposal provides for additional types of commercial uses in an appropriate location.

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

:ML
Attachs. (3)
Location Map

Subject Property
Northwest Corner of Upper Centennial Parkway and Rymal Road East

Further Modification to the Community Shopping Centre "SC2-2" Zone
CITY OF HAMILTON

BY-LAW NO. ______

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at the Northwest Corner of Upper Centennial Parkway and Rymal Road East

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 Stoney Creek” 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item ______ of Report ______ of the Economic Development and Planning Committee at its meeting held on the ______ day of ______, 2008, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Stoney Creek); approved by the Minister under the Planning Act on May 12, 1986;

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

1. That exception “SC2-2” of Subsection 8.10.6, “Special Exemptions”, of Section 8.10 Community Shopping Centre “SC2” Zone, of Zoning By-law No. 3692-
92 (Stoney Creek), be amended by adding the words, “and a personal service shop” at the end of Paragraph 2, so that it shall read as follows:

“SC2-2  2257-2273 Rymal Road East, Schedule “A”, Map No. 16

Notwithstanding the definition of Lot within Part 2, Definitions and Section 4.4.2, Restriction on Change, those lands zoned Community Shopping Centre “SC2-2” by this By-law shall be considered as one lot.

In addition to the uses permitted in Subsection 8.10.2 of the Community Shopping Centre “SC2” Zone, those lands zoned “SC2-2” by this By-law may also be used for a car washing establishment, subject to the provisions of Subsection 8.1.5., and a personal service shop.

Notwithstanding the provisions of Paragraphs (j) and (l) of Section 8.10.3 of the Community Shopping Centre “SC2” Zone, on those lands zoned “SC2-2” by this By-law, the minimum landscaping strip adjacent to another lot within 70 metres of Rymal Road East shall be 1.5 metres and parking spaces located within 70 metres of Rymal Road East may be located 1.5 metres from the westerly property line.

In addition to the provisions of Section 8.10.3, the minimum westerly side yard within 35 metres of Rymal Road East shall be 4 metres.”

2. 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 __ , 2008.

____________________________________  ______________________________________
Fred Eisenberger  Kevin C. Christenson
Mayor  City Clerk

ZAR-07-069