SUBJECT: Application for a Change in Zoning for the Property Located at the Southeast Corner of Rymal Road East and Dakota Boulevard (Glanbrook) (PED05193) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-05-96, by Multi-Area Developments Inc., c/o Aldo DeSantis, owner, for a change in zoning from the Deferred Development “DD” Zone to the Neighbourhood Commercial - Holding “H-C1-205” Zone, to permit neighbourhood commercial and residential uses for the property located at the southeast corner of Rymal Road East and Dakota Boulevard (Glanbrook), as shown on Appendix “A” to Report PED05193, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED05193, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(b) That the Holding ‘H’ symbol not be removed until the Transportation Phasing Policies of Section B.3.7.2.1 of the Township of Glanbrook Official Plan have been addressed to the satisfaction of the City’s General Manager of Public Works.

(c) That the amending By-law be added to Schedule “C” of Zoning By-law No. 464.

(d) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the Township of Glanbrook.
SUBJECT: Application for a Change in Zoning for the Property Located at the Southeast Corner of Rymal Road East and Dakota Boulevard (Glanbrook) (PED05193) (Ward 11) - Page 2 of 11

(e) That upon satisfying the condition of the ‘H’ symbol and submitting the required fee, the Director of Development and Real Estate be authorized and directed to give the prescribed notice in accordance with the Planning Act, and to prepare a By-law in a form satisfactory to Corporate Counsel, to remove the ‘H’ symbol for presentation to City Council.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the application is for a change in zoning in order to permit the development of the subject property for commercial and/or residential uses. The proposal has merit and can be supported since it implements the “Neighbourhood Commercial” designation of the Rymal Road Secondary Plan. However, to ensure that the Transportation Phasing Policies of the Rymal Road Secondary Plan have been addressed prior to any residential development on the subject property, an ‘H’ Holding provision is being placed on the property. The Holding provision cannot be lifted until the Transportation Phasing Policies have been addressed to the satisfaction of the General Manager of Public Works. The development of the property for commercial, community, and institutional uses, while zoned Neighbourhood Commercial – Holding “H-C1-205”, is permitted under the ‘H’ Holding provision.

BACKGROUND:

Proposal

The applicants have applied for a change in zoning from the Deferred Development “DD” Zone to the Neighbourhood Commercial “C1-205” Zone in order to permit the development of the subject property for commercial and/or residential uses, as identified in the “Neighbourhood Commercial” designation in the Rymal Road Secondary Plan (see Appendix “C”). Permitted uses would include a range of retail stores including a supermarket (but excluding a department store), service commercial uses, restaurants, community and institutional uses, and medium-high density residential uses.

Retail Market Analysis

A Retail Market Analysis, prepared by Realty Research Group Limited, has been submitted as part of Zoning Application ZAC-05-96. The market study concludes that developing the subject lands for the commercial uses identified in the “Neighbourhood
Commercial" designation would have minimal impact on any existing or proposed commercial development in the area, including potential future uses within the Heritage Green area. The study also provides specific recommendations on the amount of viable square footage for supermarket and other uses, and concludes that a 40,000 square foot (3,716 square metre) supermarket is viable, and that by 2018, a supermarket of 60,000 square feet (5,574 square metre) supermarket would be viable.

Subdivision Application 25T-200207, “Redhill Summit Estates” and Zoning Application ZAC-02-39

Subdivision Application 25T-200207 and Zoning Application ZAC-02-39 were approved by Council in 2002, and final approved by the Ontario Municipal Board in 2003. The applications were to permit a subdivision consisting of residential, commercial, and institutional development on the south side of Rymal Road East, east of Upper Mount Albion and west of Second Road, within the Rymal Road Secondary Plan. The subject property was zoned Deferred Development “DD” Zone by implementing By-law No. 02-331. The portion of the subdivision containing the subject property was revised in 2004 and renamed as “Summit Park”. At the time of the original subdivision approval, it was identified that the subject lands were to be developed in the future for uses permitted within the “Neighbourhood Commercial” designation of the Rymal Road Secondary Plan, however, as no Retail Market Study was completed the lands were zoned Deferred Development “DD” Zone until such time that the Retail Market Study was submitted. Phase 1 of the subdivision was registered on June 8, 2005, as Plan 62M-1033 (see Appendix “D”). The subject lands are located within Phase 2 as Block 112 (see Appendix “E”). Phase 2 has not yet been registered.

Location: Southeast corner of Rymal Road East and Dakota Boulevard (Glanbrook)

Owners: Multi-Area Developments Inc. (c/o Aldo DeSantis)

Agents: Walker, Nott, Dragicevic Associates Limited (c/o Stephen Naylor)

Property Description: Frontage: 340m on Rymal Road East
Depth: 157m (measured along easterly property line)
Lot Area: 4.75ha

Servicing: Full municipal services
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant</td>
<td>Deferred Development “DD” Zone</td>
</tr>
<tr>
<td><strong>North</strong></td>
<td>Single detached dwellings</td>
<td>Single Residential “R1” Zone</td>
</tr>
<tr>
<td><strong>South</strong></td>
<td>Future street townhouses and</td>
<td>Residential Multiple “RM2-173” Zone and</td>
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<td>single detached dwellings</td>
<td>Single Residential “R4-173(B)” Zone</td>
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<tr>
<td><strong>East</strong></td>
<td>Single detached dwellings (existing</td>
<td>General Agricultural “A1” Zone and</td>
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<td>and proposed)</td>
<td>Single Residential “R4-173(A)” Zone</td>
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<tr>
<td><strong>West</strong></td>
<td>Vacant</td>
<td>General Agricultural “A1” Zone</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the principles and policies of the Provincial Policy Statement, in that the proposal implements Policies 1.1.3.2 and 1.3.1 pertaining to providing a mix of densities and land uses which efficiently use land and resources and promotes economic development.

   (ii) It conforms with and implements the “Urban Area” designation of the Hamilton-Wentworth Official Plan.

   (iii) It conforms with and implements the “Neighbourhood Commercial” designation of the Rymal Road Secondary Plan of the Township of Glanbrook Official Plan.

2. The application is to rezone the subject lands to the Neighbourhood Commercial “C1-205” Zone with special provisions in order to permit the uses identified in the “Neighbourhood Commercial” designation of the Rymal Road Secondary Plan. This designation permits the following uses:

   - Retail stores including a supermarket (excluding department stores).
   - Service commercial uses.
   - Restaurants.
- Community and institutional uses.
- Medium-high density residential uses.

However, the Neighbourhood Commercial “C1” Zone only permits the following uses:

- Convenience retail stores.
- Banks and financial institutions.
- Personal service shops.
- Dry cleaning distribution stations.
- Professional and business offices.
- Ancillary residential uses.

Therefore, in order to implement the existing “Neighbourhood Commercial” designation, a modification to the proposed Neighbourhood Commercial “C1” Zone is required to permit the above noted additional uses while placing restrictions on uses not contemplated within the “Neighbourhood Commercial” designation. In this regard, the range of uses contemplated within the “Neighbourhood Commercial” designation is consistent with the uses permitted within the Shopping Centre Commercial “C2” Zone with the exception of department stores. Therefore, the proposed Neighbourhood Commercial “C1-205” Zone would permit the uses permitted in the Shopping Centre Commercial “C2” Zone with the exception of department stores.

3. In addition to modifications in zoning in order to implement the permitted uses within the “Neighbourhood Commercial” designation of the Rymal Road Secondary Plan, three additional zoning modifications are required. The first relates to the maximum gross leasable floor area. A modification is required to restrict the maximum gross leasable floor area to 11,000m², as per Policy B.3.2.5.2 of the Rymal Road Secondary Plan. The second modification is to permit an increase in the maximum gross leasable floor area for a supermarket use, drug store use, and medical clinic. Therefore, increases to 4,650 square metres for a supermarket, 1,200 square metres for a drug store, and 560 square metres for a medical clinic would be appropriate and consistent with the conclusions of the Retail Market Study. A supermarket of approximately this size would be viable, and a larger supermarket supportable in the future. This size of supermarket and drug store are also standard sizes for these uses. A medical clinic use is a neighbourhood commercial use and the increased size is minor and appropriate. The increase in gross leasable floor area would be applicable only for supermarket, drug store, and medical clinic uses and all other commercial uses would be limited to a maximum gross leasable floor area of 460 square metres.

This restriction on gross leasable floor area would provide an incentive to develop the property for multiple commercial establishments instead of a single
large commercial occupant, and is also necessary in order to maintain the neighbourhood commercial scale of the development comparative to the “General Commercial” designation. It is important to note that the subject lands are the only “Neighbourhood Commercial” designated lands within the Rymal Road Secondary Plan, department stores are not permitted, and there is a restriction to limit gross leasable floor area to a maximum of 11,000m$^2$, whereas the “General Commercial” designation does not contain such a restriction beyond an initial restriction of 19,000m$^2$ until road improvements are undertaken.

The third zoning modification is to permit a maximum lot area of 4.8ha, whereas 0.3ha is permitted, as the subject lands are approximately 4.75ha in size, exceeding the maximum lot area permitted in the Neighbourhood Commercial “C1” Zone. This modification can be supported as the lot area for the “Neighbourhood Commercial” designation has already been implemented through the approved Rymal Road Secondary Plan and developing the subject lands for Neighbourhood Commercial uses is consistent with the intent of the “Neighbourhood Commercial” designation.

4. The purpose of lands designated “Neighbourhood Commercial” is to provide for the daily and weekly shopping needs for the surrounding residential areas. The applicants have submitted a Retail Market Analysis for the proposed commercial development to fulfil a requirement of rezoning the subject lands. The market study concludes that developing the subject lands for the commercial uses identified in the “Neighbourhood Commercial” designation would have minimal impact on any existing or proposed commercial development in the area, including potential future uses within the Heritage Green area.

5. The “Neighbourhood Commercial” designation also permits medium-high density residential uses in a co-ordinated development format. In this regard, the range of permitted uses within the proposed modified Neighbourhood Commercial “C1-205” Zone should be modified to include residential uses. Draft Plan of Subdivision 25T-200303, “The Crossings”, which is located east of the subject property, and south and east of Second Road West, contains a 1.74ha block of land zoned Residential Multiple “RM3-175” Zone. This zone permits block townhouse dwellings, semi-detached dwellings, duplex dwellings, triplex dwellings, apartment buildings, a home for the aged, and retirement homes. This range of uses is consistent with the residential uses permitted within the “Neighbourhood Commercial” designation. This zoning is also consistent with the intent that residential development within the Rymal Road Secondary Plan both provides for a mix in housing types and densities, and promotes development based on a compact urban form with reduced frontages and setbacks, encroachments for porches and decks, increased height, and decreased parking space dimensions. Therefore, any residential development of the subject lands should conform to the Residential Multiple “RM3-175” Zone.
6. The Rymal Road Secondary Plan contains transportation phasing policies (Policy B.3.7.2.1) to permit only certain development until such time that a number of road improvements have been undertaken (environmental assessment studies completed, method of financing undertaken, and road improvements included in the Capital Budget) to improve transportation capacity. These road improvements include:

- Construction of the Red Hill Creek Expressway.
- Rymal Road is widened to four lanes.
- Trinity Church Road is extended to the Lincoln Alexander Parkway.
- A new signalized collector road intersection is constructed at Regional Road 56, and Regional Road 56 is widened to 4 lanes from Rymal Road to the new collector road intersection.

These road improvements must be completed prior to the construction of more than 500 dwelling units or 19,000m$^2$ of “General Commercial” space, but the development of the other commercially designated sites (e.g. “Neighbourhood Commercial”) is permitted at this time subject to localized studies to address access and egress from Rymal Road, and is not subject to completion of the above noted transportation improvements.

In this regard, the Public Works Department (Traffic Engineering and Operations Section) has advised that a Traffic Impact Study must be prepared. The study will address the projected flow volumes from the property as well as any other site and road improvements. Commercial and multi-residential development is subject to site plan control and through the review of a site plan control application, access locations are reviewed and approved. At this stage, a detailed Traffic Impact Study must be submitted for review and approval.

7. The number of dwelling units permitted to be developed within the Rymal Road Secondary Plan prior to transportation improvements is limited to 500 dwelling units, which have already been allocated. Therefore, to ensure that the Transportation Phasing Policies of Section B.3.7.2.1 of the Rymal Road Secondary Plan have been addressed to the satisfaction of the General Manager of Public Works, the subject property should be placed into an ‘H’ Holding provision. In this regard, the implementing By-law has been drafted in such a way as to permit the subject lands, while zoned Neighbourhood Commercial – Holding “H-C1-205” Zone, to be developed for commercial uses in accordance with the provisions of the implementing By-law. However, the subject lands cannot be developed for residential uses until such time that the Transportation Phasing Policies of Section B.3.7.2.1 have been satisfactorily addressed, and an application made to remove the ‘H’ Holding provision completed.
ALTERNATIVES FOR CONSIDERATION:

Should the application be denied, the lands can only be utilized for agricultural uses or existing dwellings subject to the provisions of the Deferred Development “DD” Zone. The lands would not be able to be developed for the uses identified within the “Neighbourhood Commercial” designation of the Rymal Road Secondary Plan.

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. Policy 1.1.3.2 provides that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources. In addition Policy 1.3.1 provides that Planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment. The proposal is consistent with the principles and policies of the Provincial Policy Statement.

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 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 conforms with the Hamilton-Wentworth Official Plan.

Township of Glanbrook Official Plan

The subject property is designated “Residential” on Schedule “A” – Land Use Plan, and “Neighbourhood Commercial” on Schedule “I” – Rymal Road Secondary Plan Land Use Plan in the Township of Glanbrook Official Plan. The proposed modified Neighbourhood Commercial “C1-205” Zone would permit a mix of commercial and residential uses that would implement the “Residential” and “Neighbourhood Commercial” designations.
The following Departments and Agencies had no comments or objections:

- Public Works Department (Forestry and Horticulture Section).

Public Works Department (Traffic Engineering and Operations Section) has advised that a Traffic Impact Study must be prepared by a qualified traffic engineering consultant as part of a Site Plan Control Application and that access permits are required to permit any new or change in access to Rymal Road.

Public Works Department (Environmental Planning Section) has advised that the City of Hamilton has initiated a Master Plan Class EA to assess transportation, water supply, and sewage needs for the Rymal Road Planning Area and that General Commercial space is limited to 19,000m$^2$ of gross leasable floor area prior to certain transportation improvements.

Corporate Services Department (Budgets Section) has advised that a “Best Efforts” Municipal Act Sewer Charge of $11,900.00 applies to the subject property. This charge has been addressed through Draft Plan of Subdivision 25T-200207, “Summit Park West”.

Hamilton Street Railway has advised that the site is beyond a 400m walk to existing public transit; sidewalks should be provided on Rymal Road; HSR has no plans to provide public transit to the property; and, that while commercial developments with lots of parking are not good transit generators, some store employees would require a basic service.

Public Consultation

In accordance with the new Public Participation Policy that was approved by Council on May 29, 2003, the application was circulated to seventy-two property owners within 120 metres of the subject property. As a result of the circulation, comments were received from two neighbouring property owners (see Appendix “F”). Both property owners expressed concerns that there is sufficient existing and proposed commercial development in the area. In addition, other concerns included:

- That light pollution from a large parking lot would be detrimental to the well being of the people in the area.

- That the subject lands should be developed for residential uses instead of commercial uses.
• That approving the development would provide incentive for keeping Upper Mount Albion Road open.

In regard to the concern about the amount of commercial development in the area, the applicants have submitted a Retail Market Analysis that indicates the development would only have a minor impact on other commercial development in the area, and that upon completion of additional residential development in the Rymal Road Secondary Plan, the development would serve the needs of local residents. In addition, much of the other commercial land identified by the neighbours on Rymal Road to the west are light industrial uses, not the “Neighbourhood Commercial” uses permitted under the proposed zoning. It should also be noted that the proposal implements the commercial designation that was approved through the Rymal Road Secondary Plan (OPA No. 36), which was approved by the Ontario Municipal Board on May 17, 2002.

In regard to the lighting concern, the subject property is subject to site plan control. A standard condition of Site Plan Approval is that a site lighting plan be submitted for review. It is a City of Hamilton standard that parking lot lighting not spill over onto adjacent properties or roadways. In addition, the City of Hamilton Site Plan Guidelines, and the Urban Design Guidelines for the Rymal Road Secondary Plan Area, provide direction that buildings will be located to define the major street frontage. Therefore, much of the Rymal Road streetscape would contain buildings located close to the road with parking to the side and rear. This would mitigate some of the impacts from any parking areas. In addition, a Traffic Impact Study is required prior to any development on the subject lands. The study will ensure that any development of the lands would be subject to all necessary road improvements to limit impacts of increased traffic on abutting properties.

In regard to the concern that the lands should be developed for residential uses, the proposed modified Neighbourhood Commercial “C1-205” Zone permits residential uses of a medium-high density order. While the overall intent of the designation is to provide for some measure of commercial uses to serve the daily and weekly shopping needs of area residents, the proposed zoning provides for multiple land-use options for development including a mix of residential and commercial uses.

Finally, development of the lands would not provide increased incentive to keep Upper Mount Albion Road open. The approved Trinity Neighbourhood Plan (see Appendix “G”) indicates that Upper Mount Albion Road is to be closed at Rymal Road East. However, this cannot be completed until additional road connections to the Lincoln Alexander Parkway/Red Hill Creek Expressway have been completed, including the extension of Trinity Church Road and a collector road through the Trinity Neighbourhood. This is currently being reviewed as part of the Rymal Road Planning Area Master Plan Class Environmental Assessment.
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
The subject lands are located within a Draft Approved Plan of Subdivision containing conditions of approval to satisfy all conditions of the local Conservation Authority and the City of Hamilton

Economic Well-Being is enhanced. ☑ Yes □ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

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

:GM
Attachs. (7)
Change in Zoning from Deferred Development "DD" Zone to the Neighbourhood Commercial - Holding "H-C1-205" Zone.
Appendix “B” to Report PED05193 (Page 1 of 5)

Authority: Item, Planning and Economic Development Committee
Report
CM: Bill No.

CITY OF HAMILTON

BY-LAW NO. ______

To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at the Southeast Corner of Rymal Road East and Dakota Boulevard

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 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 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 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 Section of Report 05- of the Planning and Economic Development Committee at its meeting held on the day of , 2005, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the Township of Glanbrook), in accordance with the requirements of the Planning Act;

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

1. That Schedule “J”, appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the Deferred Development “DD” Zone to the Neighbourhood Commercial - Holding “H-C1-205” Zone, the lands located at the
Southeast corner of Rymal Road East and Dakota Boulevard, the extent and boundaries of which are shown on a 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 applying the Holding Provision of Section 36(1) of The Planning Act, R.S.O. 1990, by introducing the holding symbol (H) as a suffice to a new special exception, “H-C1-205”, as follows:

“H-C1-205

Notwithstanding Subsection 23.1 and 23.2 PERMITTED USES and REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 23.1 of SECTION 23: NEIGHBOURHOOD COMMERCIAL “C1” ZONE, the following regulations shall apply to those lands zoned “H-C1-205”:

(a) PERMITTED USES

(i) Commercial, community, and institutional uses identified in Section 24.1 of Zoning By-law No. 464, except that department stores shall not be permitted.

(ii) Residential uses in accordance with the provisions of the “RM3-175” Zone.

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) OF THIS SUBSECTION

(i) Maximum Lot Area…………………………48,000 square metres

(ii) Maximum Total Gross Leasable Floor Area…………………………………… 11,000 square metres

(iii) Maximum Gross Leasable Floor Area for a Supermarket……………………………………4,650 square metres

(iv) Maximum Gross Leasable Floor Area for a Drug Store……………………………………1,200 square metres

(v) Maximum Gross Leasable Floor Area for a Medical Centre…………………………………560 square metres

(vi) Maximum Gross Leasable Floor Area for all Other Commercial Establishments……………………………………460 square metres

(vii) All other provisions of Subsection 24.2 shall apply

(c) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(ii) OF THIS SUBSECTION


Pursuant to the provisions of the Multiple Residential “RM3-175” Zone of this By-law

The "H" symbol may be removed by a further amendment to this By-law at such time as the following matters have been completed, to the satisfaction of the Director of Operations and Maintenance, Public Works Department:

(1.1) Environmental Assessment studies have been completed and approved;

(1.2) The method of financing to undertake the required road improvements have been identified including provisions for changes to the applicable Development Charges By-law; and,

(1.3) The required road improvements have been included in the Capital Budget and/or Forecast where applicable, or financed through other mechanisms;

for each of the following required road improvements:

(2.1) Construction of the Red Hill Creek Expressway with four (4) lanes plus an additional upbound truck lane;

(2.2) The widening of Rymal road to four (4) lanes plus turn lanes;

(2.3) The extension of Trinity Church Road to the Lincoln Alexander Parkway; and,

(2.4) The construction of a new signalized collector road intersection with Regional Road 56 and the widening of Regional Road 56 to four (4) lanes from Rymal Road to the new collector road intersection; or,

The submission and approval of a traffic impact study to address the need for and timing of any other required road improvements to improve transportation capacity south of and/or crossing the escarpment to accommodate such additional commercial development, and complies with the matters set out in (1.1 to 1.3) in respect of such improvements, to the satisfaction of the City’s General Manager of Public Works.

The use of these lands while zoned “H-C1-205” shall be restricted to uses permitted in Paragraph (a)(i) of this By-law.

3. 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 Residential "H-C1-205" Zone provisions.
4. 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-05-96
Schedule "A"

Map Forming Part of By-Law No. 05-____ to Amend By-Law No. 464

Subject Property

Change in Zoning from Deferred Development "DD" Zone to the Neighbourhood Commercial - Holding "H-C1-205" Zone.
Greg Macdonald  
City of Hamilton  
Planning & Economic Development Dept.  
71 Main Street West  
E-Mail: gmacdon@hamilton.ca  
Fax: 905 540 6142

Ralph R Scott  
1843 Rymal Rd E  
Stoney Creek  
Ontario L8J 2R5

Subject: File no ZAC-05-96 To  
Not For Amendment in this area:

1- with large stores etc. ex. 56 HW + Rymal Rd (developing)  
2- " " " " " " ex. Albion Rd + Paramount Drive.  
3- gas station + convenience store proposed ex. Paramount + Albion  
4- " industrial development on the west side of proposed Trinity church Rd extension to the link.  
5- " Proposed development of the Glandbrook Industrial area (pig farm) which would bring other undesirable plants.  
6- " The commercial development of Rymal Rd east from Ottawa Street to Dartnell Rd which includes fast food. Harveys, Swiss Chalet, gas stations, commercial bakery, spa + pool shop, welding shop (Walters). Ferrell building products

Alternative

I would suggest that the area from Trinity church Rd E. To 2nd rd east on Rymal Rd be zoned all residential. on both sides of Rymal Rd N+S to form a complete housing block of Residential homes only.
Reasons.

People return home after a days work do not want to be looking at a light polluted parking lot of 1200 ft x 430 ft, lit up 24 hours a day and open seven days a week.

This type of living environment is detrimental to the well being of the people of this area and the city of Hamilton.

Thank You,
Sincerely - Ralph Lott.

cc - Councillor David Mitchell (Ward 11)

- Mayor Larry Di Ianni,

Phil Bruckler (Ward 9)
Concerning Zoning By-Law Amendment

ZAC-05-96

Southeast Corner of Rymal Rd. and Upper Mount Albion Rd.

(Glanbrook) Ward 11
Hi Greg: By way of introduction, my name is Dave Cunningham and I am the spokesperson for the residents of Upper Mount Albion Road. I am one of the stakeholders in the Environmental Assessment Master Plan recently completed by Itran Consulting. We the residents of Upper Mount Albion Road have waged an ongoing protest over the last year and a half or more protesting the fact that Dakota Blvd. is in line with Upper Mount Albion. When Summit Park and the rest of the development is finished we will see a dramatic increase in traffic threatening our health and safety as well as putting a huge strain on a narrow two-lane road. Our goal has been to get the road closed at Rymal Rd. and was glad to hear that Itran recommended that the Trinity Church Road Extension be built north of Rymal Road with completion no later than 2011. Upon completion they also recommend the closing of Upper Mount Albion Rd at Rymal and designate Upper Mount Albion for local access only.

I therefore strongly request that this Zoning By-Law Amendment ZAC-05-96 be denied for the following reasons.

1. If this commercial development is given the green light I see this putting pressure on the city to keep Upper Mount Albion open.

2. There is already a large commercial/business development going to be built down our road at Mount Albion and Paramount (Stone Church Rd.) with Costco and Home Depot already lined up to build. New stores.

3. Commercial development is progressing at this time a short distance east of this proposed area with a Wal-Mart store under construction as well as future commercial business. As well there is already a Fortino’s super store which has been up and running for a few years with a large tract of land south of it which is slowly being developed with more commercial properties. Across Rymal Road there is a plaza with several stores and a new car dealership.

4. To the west a small plaza on the n/w corner of Nebo Road as well as a large Rona Hardware on the n/e corner. There are several commercial businesses along both sides of Rymal Rd to Upper Ottawa where there are commercial businesses and plaza’s right down to Stone Church Road. There are also plazas at Upper Gage and Rymal, A large new plaza at Paramount and Mud as well as one behind it on Paramount. There is also a new plaza at Highland Road and No 20 Hwy.

These are all within a 5 to 10 minute drive from new development. We do not need another plaza. If in spite of all this a plaza must be built in this area. I would suggest looking into property near or along Trinity Church Road as it will be a busy road in the future. However I feel that more commercial business of this type in the area makes no sense. How many plazas does one area need? We have more than enough now. I trust some common sense will come into play and deny By-Law Amendment ZAC-05-96.

Dave Cunningham
50 Upper Mount Albion Road
L8J2S1