SUBJECT: Application to Amend Township of Glanbrook Zoning By-law No. 464 for Lands Located at 2620 Binbrook Road East (Glanbrook) (PED08192) (Ward 11)

RECOMMENDATION:

That approval be given to amended Zoning Application ZAC-07-110, by Rob-Geoff Properties, Owner, for a change in zoning from the Existing Residential “ER” Zone to a modified General Commercial “C3-242” Zone in order to permit a mixed use development with commercial uses on the ground floor and residential units above, for the lands located at 2620 Binbrook Road East (Glanbrook), as shown on Appendix “A” to Report PED08192, on the following basis:

(a) That the subject lands be rezoned from the Existing Residential “ER” Zone to the General Commercial “C3-242” Zone.

(b) That the draft By-law, attached as Appendix “B” to Report PED08192, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the amending By-law be added to Schedule “H”, Binbrook Settlement Area, of Zoning By-law No. 464.

(d) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department
The purpose of the application is for a change in zoning to permit a future, mixed use development with commercial uses on the ground floor and residential units above. The proposed change in zoning has merit and can be supported as it is appropriate and complementary to the surrounding neighbourhood, it conforms to the “Community Core” policies of the Township of Glanbrook Official Plan, the “Urban Area” policies of the Hamilton-Wentworth Official Plan, and is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Proposal

The applicant proposes a change in zoning from the Existing Residential “ER” Zone to a modified General Commercial “C3-242” Zone. The purpose of the application is to permit a future, mixed use development, with commercial uses on the ground floor and residential units above.

The proposed zoning has been modified to require mixed use development and limit the range of commercial uses contained in the General Commercial “C3” Zone in order to implement the “Community Core” land use designation of the Official Plan.

The following zoning modifications have also been included:

- Require a maximum front yard setback of 3.0 metres, instead of the minimum required 9 metres.
- Reduce the minimum side yard setback from the boundary of any Residential or Institutional Zone from 7.5 metres to 3.0 metres.
- Reduce the minimum front yard setback abutting the hypotenuse of a daylight triangle from 7.5 metres to 1.0 metre;
- Reduce the minimum required side yard abutting the flankage street from 7.5 metres to 3.0 metres.
- Reduce the minimum exterior side yard setback abutting the hypotenuse of a daylight triangle from 7.5 metres to 1.0 metres;
- Reduce the minimum parking space size from 3.0 metres by 6.0 metres, to 2.6 metres by 5.5 metres.
- Require parking at a rate of 1 space per residential dwelling unit, and 1 space per every 30 square metres of gross floor area for commercial uses.
• Reduce the minimum landscape area abutting a street from 4.5 metres to 3.0 metres.

• Reduce the minimum landscape area abutting the boundary of any Residential or Institutional Zone from 4.5 metres to 3.0 metres.

These modifications were included to implement the “Community Core” land use designation of the Official Plan, and provide flexibility in the future design of the site. The applicant is in support of the modifications proposed by staff.

**Location:** The subject property is located on the northwest corner of Binbrook Road East and Tanglewood Drive, municipally known as 2620 Binbrook Road East. (See Appendix “A”)

**Owner and Applicant:** Rob-Geoff Properties (Owner)

**Property Description:**
- **Total Lot Area:** 2,428.11m²
- **Total Lot Frontage:** 33.53 metres (on Binbrook Road East)
- **Total Lot Flankage:** 60.35 metres (on Tanglewood Drive)

### Existing Land Use and Zoning

<table>
<thead>
<tr>
<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>North:</td>
<td>Single Detached Residential</td>
<td>Residential “R4” Zone</td>
</tr>
<tr>
<td>West:</td>
<td>Single Detached Residential</td>
<td>Existing Restricted “ER” Zone</td>
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<tr>
<td>South:</td>
<td>Institutional - Church</td>
<td>Institutional “I” Zone</td>
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<tr>
<td>East:</td>
<td>Single Detached Residential</td>
<td>Existing Residential “ER” Zone</td>
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### ANALYSIS/RATIONALE:

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

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

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

   (iii) The proposal is consistent with the “Community Core” designation of the Township of Glanbrook Official Plan.
(iv) The proposal is compatible with the existing and planned development in the area, and is in keeping with the character of the surrounding area.

2. The subject lands are designated “Community Core” in the Glanbrook Official Plan. The current Glanbrook Zoning By-law No. 464 does not have a Zone category that directly corresponds/implements this designation. The General Commercial “C3” Zone permits uses, such as: vehicle sales establishments, building supply sales, storage facilities, workshops, department stores, farm equipment sales, garden centres, and car dealerships that would generally locate along highways and on larger lots. As such, to ensure the property is developed in a manner that implements the intent of the designation of the Official Plan, the range of permitted commercial uses should be limited to the following:

PERMITTED USES

The following uses shall be permitted only on the ground floor of a mixed use building:

(a) Banks and financial institutions, liquor, beer or wine stores, commercial schools, day nurseries, dry cleaning establishments, funeral homes, hotels, laundries, offices, personal service shops, photographic studios, places of entertainment, post office, printing establishments, private and commercial clubs, professional and business offices, restaurants (excluding drive-thru), retail stores, service shops, taverns, veterinary service establishment with no outside runs, and uses, building and structures accessory to the above permitted uses.

(b) Dwelling units shall only be permitted above the ground floor, except for access.

The proposed zoning would limit the permitted commercial uses to retail stores, business and service uses, offices and community uses to serve the needs of Binbrook Village and the surrounding area, as envisioned by the Official Plan.

3. The applicant is proposing a future, mixed use development with commercial uses on the ground floor and residential units above. Although the applicant has not yet created a concept plan, staff has recommended that the following modifications be incorporated into the amending Zoning By-law in order to allow flexibility in the future design of the site, and to incorporate several key provisions to ensure the implementation of the Binbrook Village Community Core Urban Design Guidelines.

Building Setbacks

The amending Zoning By-law (attached as Appendix “B”) proposes to require a maximum front yard setback of 3.0 metres, instead of the minimum required 9.0 metres, reduce the minimum side yard setback from the boundary of any Residential or Institutional Zone from 7.5 metres to 3.0 metres, and reduce the minimum side
yard abutting the flankage street from 7.5 metres to 3.0 metres, and reduce the minimum front yard and exterior side yard setback abutting the hypotenuse of a daylight triangle from 7.5 metres to 1.0 metres.

The reduced front yard and exterior (flankage) side yard setback will implement the “Community Core” designation, since it will allow for a street oriented design with parking in the rear yard, as envisioned by the Official Plan and Binbrook Village Community Core Urban Design Guidelines. The reduced interior side yard setback abutting any Residential or Institutional Zone can be supported as it provides sufficient space for buffering and landscaping. Development of the subject lands is subject to site plan control where fencing, and the type and amount of landscaping will be further reviewed. As such, staff is satisfied that the proposed modifications can be supported.

Parking

The amending Zoning By-law proposes to reduce the minimum parking space size to 2.6 metres by 5.5 metres, and to require parking at a rate of 1 space per residential dwelling unit, and 1 space per every 30 square metres of gross floor area for commercial uses.

The parking space size has been reduced from 3 metres by 6 metres to 2.6 metres by 5.5 metres in order to allow for greater flexibility in the design of the site. The reduced parking space size is consistent with the City’s new Zoning By-law No. 05-200 and, as such, can be supported. The proposed parking ratio of 1 space per residential dwelling unit, and 1 space per every 30 square metres of gross floor area for commercial uses has been established for other mixed use developments in the Binbrook Village Area (e.g. 3206 Regional Road 56). The reduced parking ratio for the compact, subject lands provides flexibility for the ultimate design of the site and can be supported.

Landscaping

The amending Zoning By-law proposes to reduce the minimum landscape area abutting a street from 4.5 metres to 3.0 metres and 1 metre abutting a daylight triangle, and to reduce the minimum landscape area abutting the boundary of any Residential or Institutional Zone from 4.5 metres to 3.0 metres.

The reduced landscaping abutting a street and daylight triangle is required in order to implement the reduced front yard and exterior (flankage) setback of 3.0 metres, as previously discussed. The reduction will allow for a street oriented design, while maintaining sufficient space for street landscaping. The purpose and intent of the Zoning By-law is to require minimum landscape areas abutting residential or institutional uses in order to provide adequate buffering from noise and other potential negative spill-over effects created by commercial uses. The proposed reduction is considered minor, and staff is of the opinion that there is sufficient space for landscaping and buffering. Also, as noted earlier, the subject lands are subject to
site plan control where the amount and type of landscaping will be further reviewed. Based on the foregoing, staff is satisfied that the modifications will maintain the intent of the Official Plan and Binbrook Village Community Core Urban Design Guidelines.

4. There are existing public watermains and storm and sanitary sewers available on Tanglewood Drive to service the subject lands. Road widenings and a daylight triangle (Parts 2 and 3, Reference Plan 62R-16728) will be required to be dedicated to the City. This requirement will be addressed at any future site plan application.

5. Notice of complete application and pre-circulation of this application was given in accordance with the Planning Act and the City’s Public Participation Policy. Staff received one letter (attached as Appendix “C”) from an adjacent landowner as a result of the circulation of this application, with concerns related to: streetscape character, retention of existing buildings, traffic, lighting, type of commercial uses, height, and the need for additional commercial uses.

**Streetscape Character**

The concern relates to the replacement of existing dwellings with commercial and mixed use buildings and its impact on the streetscape character of the village. The Binbrook Village Secondary Plan provides policy direction for land use planning and development in the secondary plan area. The plan provides several policies that ensure the design of all new development within the community core will establish an attractive streetscape and is of a human/village scale, including a policy which requires the creation of Design Guidelines specific to the Community Core area. As noted earlier, the proposal has been reviewed against the Township of Glanbrook Official Plan and Binbrook Village Community Core Urban Design Guidelines. Additionally, development of the subject lands is subject to site plan control where the site design and building elevations will be reviewed against the Official Plan and Urban Design Guidelines. As such, staff is satisfied that the proposal will not have an adverse effect on the existing streetscape character, but instead will enhance it.

**Retention of Existing Buildings and the Charm of the Village**

The concern relates to the loss of existing buildings, and its impacts on the “charm of the village”. Provincial legislation only enables municipalities to protect designated “heritage” buildings from demolition via the Ontario Heritage Act. Since the subject lands are not designated, in accordance with the Ontario Heritage Act, and are not identified as having any built heritage interest, the existing building may be demolished at any time. However, as noted earlier, development within the “Community Core” of the Binbrook Village Secondary Plan Area is subject to policies and provisions of both the Township of Glanbrook Official Plan and the Binbrook Village Community Core Urban Design Guidelines, which are in place to ensure that the “charm of the village” is maintained.
Traffic

Concern has been raised regarding the creation of new commercial driveways adjacent to existing single detached residential dwellings. As noted earlier, development of the subject lands is subject to site plan control, where the design and location of the mixed use development’s vehicular access points will be further investigated. Also, the City’s Traffic Engineering and Operations Section has reviewed the proposal and have no concerns.

Lighting

The concern relates to the potential for lighting from the proposal to spill-over into the amenity areas of abutting residential properties. The Council approved Site Plan Guidelines requires that lighting from new developments should be directed on site and should not spill over to adjacent development and natural areas. This concern will be addressed through the submission of a site lighting plan as part of any future site plan application.

Types of Commercial Uses

Concern has been raised regarding the types of commercial uses permitted. As noted earlier, the proposed zoning has been modified to limit the permitted uses to mixed use development, retail stores, business and service uses, offices and community uses to serve the needs of Binbrook Village and the surrounding area, as envisioned by the Official Plan.

Building Height

The concern relates to the height of the proposed building. The existing zoning applicable to the subject lands has the same maximum height provision of 10.7 metres as the proposed zoning. This application does not seek to increase the maximum height that is applicable to the subject lands today, and staff is satisfied that this concern has been addressed.

Need for additional Commercial uses

Concern has been raised regarding the need for additional commercial development with all of the recent commercial development at Rymal Road and Upper Centennial. The proposal seeks to implement the “Community Core” designation of the Township of Glanbrook Official Plan, and provide commercial uses to serve the needs of the existing and planned residents of the Binbrook Village.

Based on the foregoing analysis, staff is satisfied that all concerns raised have been addressed.
ALTERNATIVES FOR CONSIDERATION:

In the event Council does not support the proposed modification in zoning, the use of the subject property would continue to be regulated by the Existing Residential “ER” Zone provisions contained in Zoning By-law No. 464, which permits one single detached dwelling per lot.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: None.
Staffing: None.
Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a change in Zoning.

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 principle and policies of the Provincial Policy Statement.

Policy 2.6.2 of the PPS outlines that development and site alteration may be permitted on lands containing archaeological resources, or areas of archaeological potential, if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration that maintains the heritage integrity of the site will be permitted. The subject property has been identified as having potential for the discovery of archaeological resources, as per the Ministry of Culture’s criteria for determining archaeological potential. The applicant has undertaken an archaeological assessment of the subject property, which concluded that the subject property is free from archaeological concern. The assessment was submitted to both the Ministry of Culture and planning staff, who concur with the report. As such, staff is satisfied that the archaeological concerns have been addressed.

Also, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize risk to public health and safety. Due to the proximity of the subject lands to Binbrook Road, which is a major transportation corridor for the neighbourhood, the
owner will be required to address all noise concerns through any future site plan control application.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.

**Growth Plan for the Greater Golden Horseshoe (Places to Grow)**

The application is consistent with the growth management policies of the Growth Plan for the Greater Golden Horseshoe 2006. Section 2.2.2 indicates that population growth will be accommodated by reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments.

This application is consistent with the Growth Plan for the Greater Golden Horseshoe 2006, since it proposes mixed-use development within the Urban Area.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Plans and based on full municipal services, will be concentrated in the Urban Areas. Staff notes that full municipal services are available, and that in order to facilitate the proposed use, the applicant/owner shall be required to connect to said services. As the nature of the application is to change the existing zoning category to allow for mixed-use development, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. The subject property has been identified as having potential for the discovery of archaeological resources. As noted earlier, staff’s concerns have been addressed.

**Township of Glanbrook Official Plan**

The subject property is designated “Binbrook Community Core” on Schedule ‘A’ - Land Use Plan, and “Commercial - Community Core” on Schedule ‘B’ - Binbrook Village Secondary Plan Land Use Plan, in the Township of Glanbrook Official Plan. The following policies of the Township of Glanbrook Official Plan, among others, are applicable to the proposed development:

“B.2.2.2.1 Community Core

(a) To establish the Community Core, centred at the intersection of Regional Road 56 and Binbrook Road, as the main location for mixed-use development, retail stores, business and service uses, offices and community uses such as the
library and post office, to serve the needs of Binbrook Village and the surrounding area.

(c) To permit and encourage mixed use commercial/residential uses within the Community Core.

(f) To ensure that the height, bulk, scale and design of new development in the Community Core is street oriented, pedestrian friendly, establishes an attractive streetscape, and is of a human/village scale.

(h) To promote enhanced architectural and functional relationships between buildings, structures, landscaping, parking, pedestrian and vehicular access and public streets.

(j) To encourage the Community Core to develop in a coordinated, well designed and aesthetically pleasing manner.

(l) To ensure that all permitted commercial development provides adequate off-street parking, loading and manoeuvring space.

(o) To establish Design Guidelines specific to the Community Core area, which identify the principles on which the Core image is based and set minimum standards for building and design quality. (These Design Guidelines will provide a “handbook” for architects and builders who will ultimately make the Community Core real and ensure the Community Core will be both attractive and functional).”

The proposal conforms to the Official Plan since it proposes mixed-use (commercial/residential), as encouraged by the Plan. Additionally, the zoning has been modified to remove the more “intense” commercial uses of the General Commercial “C3” Zone and only permit mixed use development, retail stores, business and service uses, offices and community uses, as envisioned by the Official Plan. Also, the proposal is subject to site plan control where issues such as: height, bulk, scale, design, pedestrian circulation, streetscape character, architectural and functional relationships, landscaping, parking, traffic, site aesthetics, loading, and vehicle manoeuvre ability will be further investigated and reviewed against the Council approved Binbrook Village Community Core Urban Design Guidelines.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Public Health Services
- Corporate Services Department
- Hamilton Municipal Parking System
- Niagara Peninsula Conservation Authority
- Hamilton-Wentworth District School Board
Public Works Department (Forestry and Horticulture Section)

The Forestry and Horticulture Section has indicated that there are two municipal tree assets located on the Binbrook road side of the subject property and several trees located on private property. As such, a tree management plan will be required to be submitted with any future site plan application.

Public Works Department (Strategic and Environmental Planning Section)

The Strategic and Environmental Planning Section has indicated that the Council approved Binbrook Village Transportation Master Plan recommends a 26.21 metre right-of-way on Binbrook Road in the Community Core. As noted earlier, a road widening and daylight triangle (Parts 2 and 3, Reference Plan 62R-16728) will be required to be dedicated to the City as part of any future site plan application.

Public Works Department (Traffic Engineering and Operations Section)

The Traffic Engineering and Operations Section has indicated that the Council Approved Binbrook Village Transportation Plan notes that a centre median is recommended to be constructed on Binbrook Road, which may result in access restrictions to the subject property. This will be addressed through the finalization of the City initiated Phase 3 and 4 Environmental Assessment process for Binbrook Road, and any future site plan control application.

Public Consultation

In accordance with the new provisions of the Planning Act and the Public Participation Policy that was approved by Council, Notice of Complete Application and Preliminary Circulation of this application was sent to 178 property owners within 120 metres of the subject lands on January 25, 2008. In addition, a Public Notice sign was posted on the property on January 29, 2008. To date, one letter (attached as Appendix “C”) was received in response to the pre-circulation letter, with concerns related to: streetscape character, retention of existing buildings, traffic, lighting, type of commercial uses, height, and the need for additional commercial uses. An analysis of these issues is discussed in the Analysis/Rationale section of this report.

Notice of the Public Meeting was also circulated in accordance with the provisions of the Planning Act.
CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes □ No
The public are involved in the definition and development of local solutions and the proposal provides for mixed use development in the Binbrook Village Community Core.

Environmental Well-Being is enhanced. ☑ Yes □ No
Existing services will be utilized as part of this mixed-use development.

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

Does the option you are recommending create value across all three bottom lines? ☑ Yes □ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? □ Yes ☑ No

:DF
Attachs: (3)
Appendix “A” to Report PED08192 (Page 1 of 1)

Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-07-110
Date: January 17, 2008

Appendix "A" Scale: N.T.S.
Planner/Technician: DF/LC

Subject Property
2620 Binbrook Road East

[Map showing the location of the application and zoning changes]

Change in zoning from the Existing Residential "ER" Zone to the Modified General Commercial "C3-242" Zone
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 2620 Binbrook Road

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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 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 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. 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 08- ______ of the Economic Development and Planning Committee at its meeting held on the ______ day of ______, 2008, 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 (the Official Plan of the former Township of Glanbrook);

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Schedule “H”, appended to and forming part of By-law No. 464 (Glanbrook), is hereby amended by changing from the Existing Residential “ER” Zone to the General Commercial “C3-242” Zone, on the lands, 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 adding the following new special provisions:

“C3-242

Notwithstanding the uses permitted in SECTION 25: GENERAL COMMERCIAL "C3" ZONE, Subsection 25.1 - PERMITTED USES, of Zoning By-law No. 464, the following uses shall be permitted only on the ground floor of a mixed use building for those lands zoned “C3-242”:

(a) Banks and financial institutions, liquor, beer or wine stores, commercial schools, day nurseries, dry cleaning establishments, funeral homes, hotels, laundries, offices, personal service shops, photographic studios, places of entertainment, post office, printing establishments, private and commercial clubs, professional and business offices, standard restaurants (excluding drive-thru), take-out restaurants (excluding drive-thru), retail stores, service shops, taverns, veterinary service establishment with no outside runs, and uses, building and structures accessory to the above permitted uses.

(b) Dwelling units shall only be permitted above the ground floor, except for access.

Notwithstanding the regulations of Paragraphs (f), (g), (j) and (l) of Subsection 25.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 25.1 of SECTION 25: GENERAL COMMERCIAL “C3” ZONE, for those lands zoned “C3-242”, the following regulations shall apply:

(f) Maximum Front Yard  
   3.0 metres, except:
   (i) Minimum setback to the hypotenuse of a daylight triangle  1.0 metre

(g) Minimum Side Yard  
   3.0 metres, except:
   (i) Minimum setback to the hypotenuse of a daylight triangle  1.0 metre

(j) Minimum Parking Requirements
   (i) Notwithstanding Paragraph 7.35 (a) of this By-law, the parking space size shall have a minimum width of 2.6 metres and have a minimum length of 5.5 metres;
(ii) Notwithstanding Paragraph 7.35 (b) of this By-law, Parking spaces shall be provided at a rate of 1 space per residential dwelling unit, and 1 space per every 30 square metres of gross floor area for commercial uses; and,

(iii) Visitor parking shall be shared with the commercial parking spaces.

All other requirements shall be pursuant to the provisions of Subsection 7.35 of this By-law.

(I) Minimum Landscaping Requirements

(i) A landscaped area in the form of a planting strip having a minimum width of 3.0 metres, and a fence having a minimum height of 1.8 metres, shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes.

(ii) A landscaped area having a minimum width of 3.0 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street and 1 metre abutting the hypotenuse of a daylight triangle, and such landscaped area shall be continuous except for required driveway(s).

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 “C3” District provisions, subject to the special requirements referred to in Section 2 of this By-law.

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 ________, 2008.

__________________________    __________________________
MAYOR                        CLERK
Fred Eisenberger             Kevin Christenson

ZAC-07-110
This is Schedule "A" to By-Law No. 08-
Passed the .......... day of ......................, 2008

Schedule "A"

Map Forming Part of
By-Law No. 08-____
to Amend By-law No. 464

Subject Property
2620 Binbrook Road East

Change in zoning from the Existing Residential "ER"
Zone to the Modified General Commercial "C3-242"
Zone

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Clerk

Mayor

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Scale: N.T.S.
File Name/Number: ZAC-07-110
Date: January 17, 2008
Planner/Technician: DF/LC

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Hamilton
February 11, 2008

David Falletta
City of Hamilton
Planning and Economic Development Department
Planning Division - Development Planning - East Section
77 James Street North, Suite 400
Hamilton, ON L8R 2K3

Dear Mr. Falletta:

Re: File No. ZAC-07-110 - 2620 Binbrook Road East, Glanbrook

We are writing in response to the Notice of Application for Zoning By-law Amendment we received in regard to 2620 Binbrook Road.

We wish to make the following comments and express our concerns as follows:

1. We have always been led to believe by the City of Hamilton (in attending the various information sessions about the new residential developments) that the village would remain “as is” and all future commercial development in the village core would have to be conducted in the current existing buildings. We have seen two instances of this with a veterinarian office and a dental office both moving into existing residences. We understand one other residence is being converted into a physician’s office. In all cases these conversions to commercial property retained the existing dwelling as is and, in fact, enhanced the look of the neighbourhood by undergoing exterior renovations and landscaping while maintaining the look of a “residence”.

2. The proposed zoning application involves removing an existing house which will change the streetscape of older homes and churches and is inconsistent with the City’s statements and promises of preserving the existing dwellings.

3. There are currently three re-zoning application signs all in the same corner of Binbrook. The subject application, an application at the south west corner of Binbrook Road and Highway 56 which involves removal of three homes and an application at the north east corner of Binbrook Road and Highway 56 which also involves the removal of three existing homes.

4. While we realize these applications are all by different developers, they must be taken into account together as they will greatly affect the look of the village as, all in all, at least seven existing homes will be removed, some of which are older brick homes and a big part of the “charm” of the village.
5. Our home is located on Binbrook Road and will be one of the three or four homes left between two potential commercial developments.

6. Should these developments be allowed, what kind of buffer will be required between the commercial property and the residential properties? A small residential enclave surrounded by new commercial buildings severely affects the streetscape of the village of Binbrook.

7. We have concerns about traffic - we imagine it will be more difficult to get into and out of our driveway with commercial driveways so close.

8. We have concerns about lighting - will exterior lights be on 24 hours a day and affect the lighting in our yard?

9. What kind of commercial use will be allowed? The zoning application only stated “commercial uses on the ground floor”. It also states it plans for a three story building. Will this building not look out of the place as the only building of that height in the village?

10. There is a booming commercial area along Rymal Road and Upper Centennial. Is it necessary to commercialize a large portion of the village of Binbrook as well?

11. The developers of the new residential areas in Binbrook are selling the new homes as a move to a small village with lots of “charm”. The village will no longer have any “charm”.

12. If homes are destroyed and new commercial buildings allowed, the City is effectively destroying a village which has stood for more than 100 years.

We would like to receive any future planning department reports including staff reports affecting these lands, and be advised of any meeting being held in regard to the zoning application.

Ron and Elly Davidson
P.O. Box 285
2646 Binbrook Road
Binbrook, ON L0R 1C0