TO: Chair and Members Planning Committee  
WARD(S) AFFECTED: WARD 6

COMMITTEE DATE: November 22, 2011

SUBJECT/REPORT NO:  
Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 260 Nebo Road (Hamilton) (PED11205) (Ward 6)

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

PREPARED BY:  
Greg Macdonald  
(905) 546-2424, Ext. 4283

SIGNATURE:  

RECOMMENDATION:

That approval be given to Zoning Application ZAR-11-035, by Dr. Luay Ali Al-Kazely, Owner, for a change in zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 10, H2) Zone, with a Special Exception and Holding Provision, in Hamilton Zoning By-law No. 05-200, in order to permit a Medical Clinic on the ground floor of the existing office building, for the property located at 260 Nebo Road (Hamilton), as shown on Appendix “A” to Report PED11205, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED11205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.
The purpose of this application is to amend City of Hamilton Zoning By-law No. 05-200 in order to permit a Medical Clinic on the ground floor of the existing office building at 260 Nebo Road (Hamilton) (see Appendix “A”). The building previously contained offices for an insurance company. Seventy-nine parking spaces are proposed, with another 21 parking spaces available at the rear of the abutting property to the west at 145 Lancing Drive as overflow/surplus parking (see Appendix “C” for the preliminary site plan).

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, the Hamilton Official Plan, and the Ministry Approved Urban Hamilton Official Plan. The proposed development would be located within an existing purpose built office building in an area of the Business Park containing a mix of light industrial, office, and professional employment uses; would retain half of the building for general office use; is appropriately located at a prominent corner of a collector road in the periphery of the Business Park; and is an office use that provides both employment and a service for both the employees of the Business Park and residents of the surrounding areas.

Alternatives for Consideration - See Page 14.

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.

The applicant has applied for a modification to the Prestige Business Park (M3) Zone in Hamilton Zoning By-law No. 05-200 in order to permit a Medical Clinic on the ground floor of the existing office building. The proposal only includes minor internal renovation to facilitate the use, although minor changes in parking configuration are proposed. Surplus parking is available at the rear of the abutting property to the west at 145 Lancing Drive (see Appendix “C”).
The applicant has requested a number of zoning modifications including:

- A restriction to permit the Medical Clinic only on the main floor of the existing 2-storey office building;
- Minimum of 79 parking spaces, whereas 111 are required; and,
- Minimum 4.3 metre wide Landscaped Area shall be provided and maintained abutting a street, whereas a minimum 6.0m wide Landscaped Area is required.

The proposed modifications are discussed in the Analysis/Rationale for Recommendation section of this Report.

**Chronology:**

- **April 20, 2011**: Development Review Committee Meeting for Formal Consultation Application FC-11-034 (260 Nebo Road). Proposal was to permit the building to be converted to a Medical Clinic.
- **May 25, 2011**: Submission of Application ZAR-11-035 by Dr. Luay Ali Al-Kazely.
- **June 8, 2011**: Application ZAR-11-035 is deemed complete.
- **June 17, 2011**: Circulation of Notice of Complete Application for Application ZAR-11-035 to all property owners and tenants within 120 metres of the subject lands.
- **November 4, 2011**: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

**Details of Submitted Applications:**

- **Location**: 260 Nebo Road (Hamilton)
- **Owner**: Mr. James Pearson
- **Applicant**: Dr. Luay Ali Al-Kazely

**Property Description:**

- **Area**: 0.4471 hectares
- **Frontage**: 43.19 metres
- **Depth**: 67.99 metres (west property line)

**Servicing**: Full Municipal Services
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>2-storey Office Building</td>
<td>Prestige Business Park (M3) Zone</td>
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Surrounding Lands:

<table>
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<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Indoor Children's Playground, Wholesale Business Uses, Home Décor Sales Offices</td>
<td>Prestige Business Park (M3) Zone</td>
</tr>
<tr>
<td>South</td>
<td>Tile and Stone Wholesale</td>
<td>Prestige Business Park (M3) Zone</td>
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<tr>
<td>East</td>
<td>Building Supply Wholesale</td>
<td>Prestige Business Park (M3) Zone</td>
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<tr>
<td>West</td>
<td>Heating and Air-Conditioning Supply and Service</td>
<td>Prestige Business Park (M3) Zone</td>
</tr>
</tbody>
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POLICY IMPLICATIONS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with Policy 1.1.3.1, which focuses growth in Settlement Areas, and with Policy 1.3.1, which promotes economic development by providing for an appropriate mix and range of employment (including industrial, commercial, and institutional uses) to meet long-term needs.

Places to Grow: Growth Plan for the Greater Golden Horseshoe:

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.2.1 states that population and employment growth will be accommodated through the development of mixed-use urban environments, and encourages cities to develop as complete communities. Places to Grow also promotes economic development by requiring municipalities to provide for an appropriate mix of employment uses including industrial, commercial, and institutional on employment lands. The proposal conforms to Places to Grow.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area - Business Parks” in the Hamilton-Wentworth Official Plan. Policies C.3.1.3.1 and C.3.1.3.2 note that Business Parks shall accommodate a range of industrial, office, and service uses. The proposal conforms to the Hamilton-Wentworth Official Plan.

Hamilton Official Plan:

The subject lands are designated “Industrial” on Schedule ‘A’ - Land Use Concept and “Special Policy Area 11” on Schedule ‘B-3’ - Other Special Policy areas in the Hamilton Official Plan. The following policies, among others, are applicable to the subject lands:

A.2.3.1 Uses permitted on lands designated Industrial on Schedule “A” shall include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, building or contracting supply establishment, tradesperson’s shop, warehousing, waste management facilities, private power generation, office, and accessory uses. Ancillary uses which primarily support business and employees within the Industrial area shall also be permitted.

A.2.3.3 Office uses shall be limited in function, scale, and type, and shall be limited in size through the Zoning By-law.

A.2.3.4 Council recognizes the varied nature of industry in the City. Therefore, the policies of this Plan are intended to apply to a hierarchy of INDUSTRIAL classifications. The hierarchy is not specifically designated on Schedule “A”. However, an element of the hierarchy is shown in Schedule “B” and Schedule “B-3” as Special Policy Area 11 and 11a, and as set out in Sub-section A.2.9.3.

A.2.3.5 Further, it is intended that the policies for the various classifications in the INDUSTRIAL hierarchy will provide guidance to Council when considering amendments to this Plan or to the Zoning By-law.

Light Industrial Classification

A.2.3.8 The LIGHT INDUSTRIAL CLASSIFICATION applies to those Industrial Uses that have a minimal impact on surrounding land uses and, as set out in Sub-section A.2.9.3, are shown on Schedule “B” as Special Policy Areas 11 and 11a, and shown on Schedule “B-3” as the Red Hill Business Park (formerly East Mountain Industrial-Business Park).
A.2.3.9 The following uses shall be permitted on lands in the LIGHT INDUSTRIAL CLASSIFICATION:

i) Manufacturing, warehousing, repair service, building or contracting supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation. Salvage yards, and other uses which are unsightly or otherwise incompatible with the design policies and image for Business Parks, shall be prohibited;

ii) Uses which primarily support industry, including labour association halls, conference and convention centres, trade schools, commercial motor vehicle and equipment sales, and commercial rental establishments;

iii) Ancillary uses which primarily support businesses and employees within the Business Parks, including hotels, fitness centres, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities;

iv) Waste processing facilities and waste transfer facilities;

v)Accessory uses, such as limited retail and office.

A.2.3.10 Ancillary uses which serve the businesses and employees of the LIGHT INDUSTRIAL CLASSIFICATION, as described in Policy 2.3.9 iii), shall be encouraged to locate fronting arterial roads or collector roads into the industrial area. Retail establishments shall be limited to 500 square metres of gross floor area.

A.2.3.25 Adequate vehicular access, off-street parking, and loading facilities will be required in clearly-defined areas for all development and re-development within the INDUSTRIAL designation, subject to the appropriate policies of Sub-section B.3.

A.2.9.3.9 In keeping with the provisions of Sub-section A.2.3, for those lands shown on Schedules "B" and "B-3" as SPECIAL POLICY AREA 11 and SPECIAL POLICY AREA 11a, light industrial uses will be permitted. Accordingly, all appropriate policy provisions in this Plan dealing with the light industrial land use category will apply."
Based on the above, the proposed Medical Clinic would be permitted within the “Industrial” and “Special Policy Area 11” designations, as a Medical Clinic is a type of office, and offices are permitted within the Business Park. The Medical Clinic would both provide employment opportunities for those working in the facility and potential accessory laboratory, and would also partially serve as an ancillary use to provide medical services to those working in the Business Park. The proposed location is adequately situated on a collector road with good access, the applicant has satisfied the City of Hamilton that sufficient parking is available, and the building had already been purpose built for professional office uses. The Official Plan also notes that offices will be regulated by the Zoning By-law with regards to function, size, and type. The proposed Medical Clinic (and the combined floor area of the proposed Medical Clinic and general office space on the 2nd floor) does not exceed the maximum permitted 3,000 square metres. The implementing By-law would restrict the Medical Clinic to the ground floor only, further limiting its scale to ensure that general office space is also provided in the building.

Based on the foregoing, the proposal conforms to the Hamilton Official Plan.

**Urban Hamilton Official Plan**

The new Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified. The final decision on the Urban Hamilton Official Plan has been appealed.

The new Urban Hamilton Official Plan designates the subject lands as “Employment Area - Business Park” on Schedule “E-1” Urban Land Use designations. All of the employment designations permit office uses under Policy E.5.2.4, and the Business Park designation also permits offices under Policy E.5.4.3(a) and ancillary uses which primarily support employees of the Business Park, including health facilities (Policy E.5.4.3(c)). Such uses are also only permitted on arterial or collector roads (Policy E.5.4.4). Policies in Sections E.5.4.5 and E.5.4.7(c) denote that offices shall provide high design standards, and that their form, function, and size shall be regulated by the Zoning By-law. In this regard, the existing office building is of a high design with an attractive façade with high quality landscaping. The Medical Clinic use would be restricted to only the ground floor of the existing building.

Based on the foregoing, the proposal would conform to the new Urban Hamilton Official Plan.

**Rymal Neighbourhood Plan**

The subject lands are designated “Restricted Industrial” in the Rymal Neighbourhood Plan. Office uses would not conflict with this designation.
The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Operations and Waste Management Division, Public Works Department.
- Environment and Sustainable Infrastructure Division, Public Works Department.
- Horizon Utilities.

The following Departments and Agencies submitted the following comments:

**Public Works Department (Forestry and Horticulture Section)** has advised that there are no Municipal Trees impacted by the proposal and that street tree plantings would be desirable at the future Site Plan Control stage of the development.

**Public Works Department (Traffic Engineering Section)** has advised that the proposed 4.1m maneuvering for the angled parking on the west side of the building may be deficient, and 4.5m may be required. Garbage removal may require a pick-up or similar smaller vehicle to access the rear of the property. A loading space should also be provided.

**Public Works Department (Rapid Transit)** has advised that the property is located within 200m of the future S-Line Rapid Transit Corridor, and that the proposed development appears to be more auto-oriented than pedestrian oriented. High quality pedestrian linkages would contribute to the development, and supporting a reduction in required parking would be beneficial in achieving a transit-oriented development.

**Hamilton Municipal Parking System** has provided comments reviewing the Parking Study that was submitted by the applicant, prepared by Paradigm Transportation Solutions Limited. The applicant has addressed the concerns of the Hamilton Municipal Parking System by limiting the Medical Clinic use, which has the greater parking demand, to the lower floor only, and through a draft agreement with the abutting property to the west for an area for overflow parking. This issue is discussed in greater detail in the Analysis/Rationale for Recommendation section of this Report.

**Public Consultation**

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, Notices of Complete Application and Preliminary Circulation were circulated to 125 property owners and tenants within 120 metres of the subject property on June 17, 2011, requesting public input on the application. A Public Notice sign was also posted on the property on June 20, 2011, and Notice of the Public
ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment 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 Plan (Growth Plan for the Greater Golden Horseshoe);

   (ii) It conforms to the Hamilton-Wentworth Official Plan and the “Industrial” designation in the Hamilton Official Plan;

   (iii) It provides for an appropriately located office use (Medical Clinic) within an existing purpose built office building on a collector road with excellent vehicular and transit access.

   (iv) It is compatible with the range of uses in the Business Park, and provides a service to those employees while retaining half of the building for general office uses.


2. In order to implement the development as proposed on the preliminary site plan (see Appendix “C”), a number of further zoning modifications are required. A review of the required modifications is as follows:

   2(a) Minimum of 79 parking spaces, whereas 111 spaces are required

   Zoning By-law No. 05-200 requires a parking ratio of one parking space for each 30 square metres of floor area for an office use, but one parking space for each 16 square metres of floor area for a Medical Clinic. The existing property was last utilized as a 2-storey, 2,293 square metre general office building for an insurance company. When the building was constructed in 1989, it contained 60 parking spaces. Since that time, an access driveway/loading area was converted to contain additional angled parking. By legalizing these existing angled parking spaces on the west side of the building, by incorporating the new parking standard in Zoning By-law No. 05-200, and by adding a small number of additional parallel parking spaces on the south side of the access driveway, the total number of parking spaces can be increased to 79, from approximately 60.
The original proposal was to convert the entire building to a Medical Clinic, and the applicant submitted a Parking Study. This Study reviewed the Institute of Transportation Engineering (ITE) Parking Generation manual, and reviewed and compared the proposal with a number of existing Medical Clinics in Hamilton on a number of parking spaces per practitioner basis. The Study suggested that the proposed amount of parking is consistent with the expected demand and, therefore, would be sufficient. The Hamilton Municipal Parking System reviewed the Parking Study, and did not agree with the conclusion of it. As a result of further negotiations between the Hamilton Municipal Parking System, Planning staff, the applicant, agent, and Paradigm Consulting, the following mitigative measures are proposed:

- The Medical Clinic would only be located on the ground floor of the existing building with the top storey to be utilized for general office use (tenant to be determined) or for another use permitted under the (M3) Zone; and,

- The applicant has a draft agreement with the abutting property to the west to utilize unused area at the rear of that property, which is immediately accessed from the subject lands, for overflow parking of approximately 21 parking spaces, effectively increasing the amount of available parking to 100.

There are also limited impacts from overflow parking even if they did occur as there are no sensitive land uses in the area, no street parking is permitted, and should any patrons of the Medical Clinic park on surrounding private parking lots without permission, they would be subject to ticketing or towing due to trespass. In addition, HSR service is available immediately in front of the subject lands by Route 22 (Upper Ottawa). The applicant is proposing a walkway connection to the bus stop and the provision of bike racks, which will be secured through the future Site Plan Control Application process.

The proposed Medical Clinic would be located completely within the existing building and no additions are planned. Normally, minor internal modifications to an existing office building would not be subject to Site Plan Control. However, in order to maximize the amount of potential parking, the applicant is proposing some minor exterior alterations to the parking area, including formalizing the angled parking on the west side of the building, utilizing the new parking stall size standards within Zoning By-law No. 05-200, and the introduction of parallel parking spaces off the parking area adjacent to Lancing Drive. In order to ensure that these improvements are completed as part of the conversion of the general office space on the main floor to a Medical Clinic, and to ensure that all of the parking spaces proposed are in fact provided, an ‘H’ Holding Provision should be utilized to ensure that the applicant applies for and receives final approval of a Site Plan Control Application. The Site Plan Control Application would also
include any necessary improvements to the potential overflow parking area at 145 Lancing Drive.

The applicant has a tentative agreement with the abutting property to the west at 145 Lancing Drive to utilize an existing gravel parking/outdoor storage area for overflow parking. The attached plan (see Appendix “C”) shows how an additional 21 parking spaces could be accommodated at 145 Lancing Drive. No alterations other then minor ‘cleaning’ of the parking area are required to either site as the existing parking area at 260 Nebo Road already links to this area. In order to ensure that a long-term agreement is finalized between the two property owners, the ‘H’ Holding Provision also includes a requirement for the agreement to be finalized. It is not possible to finalize the agreement until Zoning Application ZAR-11-035 is completed, as should this Zoning Application not be approved, the applicant would not have need for the parking area and may not finalize purchase of the building.

2(b) Minimum 4.3 metre wide Landscaped Area shall be provided and maintained abutting a street, whereas a minimum 6.0m wide Landscaped Area is required

The Prestige Business Park (M3) Zone requires a minimum 6.0m landscaped area abutting a street. This is to maintain a high quality streetscape with attractive landscaping in the Business Park to reflect its ‘prestige’ nature. The 6.0m wide landscaped area already exists along both street frontages. The applicant is proposing to reduce, from 6.0m to 4.3m, the portion of the landscaped area that abuts Lancing Drive. This is to facilitate the introduction of a number of parallel parking spaces. Based on a site visit and review of the proposed site plan, the reduction can be supported for the following reasons:

- It would only apply to the landscaped area abutting Lancing Drive, a local road, whereas the 6.0m landscaped area abutting Nebo Road, a collector road, would be maintained;

- Lancing Drive is at its widened limits, and a large sodded boulevard exists which can support additional street tree plantings. The boulevard ranges in width from 4m on the westerly side to 8m in width at the corner at Nebo Road. Therefore, even with the minor 1.7m reduction, the total amount of landscaped area between the paved portion of the street and the parking lot would far exceed 6m; and,

- The (M3) Zone also requires a 3.0m planting strip to be provided within the landscaped area. There is no proposal to reduce or eliminate the planting strip, and through the Site Plan Control process, plantings, in addition to the existing trees on the property, will be required.
3. City Initiative CI-09-H brought forward new industrial zones into Zoning By-law No. 05-200. As part of this process, the local Official Plans were amended in order to bring the previous industrial or employment policies into conformity with the Provincial Policy Statement, Places to Grow, and with, what at the time in April 2010, the draft new Urban Hamilton Official Plan. All of the previous industrial zones through the entire amalgamated City of Hamilton were replaced with one of six new employment zones (additional zones for employment areas as part of the Airport Employment Growth District have been approved, but are under appeal, and other future zones for extractive industrial have yet to be brought forward). Of the six new zones, the (M1) Zone applies to the research and development area in and around McMaster Innovation Park, the (M5) and (M6) Zones apply mostly to the older industrial areas in the lower area of the former City of Hamilton, while the (M2), (M3) and (M4) Zones apply to the various Business Parks throughout the City of Hamilton.

Medical Offices and Medical Clinics have been established as permitted uses (subject to a maximum 3,000 square metre size) within the Research and Development (M1) Zone, the Business Park Support (M4) Zone, and the Light Industrial (M6) Zone. This was to acknowledge that medical uses, while considered a form of office and an employment use, also serve as a support to the Business Parks and would draw patients from both employees of the Business Park and surrounding neighbourhoods. There is no Official Plan direction as to where certain types of offices should or shouldn't be located, as it was noted in the new Official Plan policies and in the staff report for CI-09-H that their locations would be regulated by the Zoning By-law. It is not the intent of the new employment Official Plan policies and Zoning By-law No. 05-200 regulations that Medical Clinics be permitted as-of-right in all employment zones. This would be due to potential compatibility issues between a more prestigious form of office development and potential heavier industrial uses and, that if a medical use was contemplated to serve mostly local residents instead of Business Park employees, then there are other commercial or residential areas that could site such an office use. Therefore, in order to evaluate the merits of permitting a Medical Clinic use at the property located at 260 Nebo Road, a number of factors must be considered, including:

- Both the existing Hamilton Official Plan and new Urban Hamilton Official Plan contain policy direction to situate ancillary uses onto arterial or collector roads into the Business Park. In this case, Nebo Road is a collector road into the Business Park, and the subject lands are located near the southerly periphery of the Business Park almost at Rymal Road East. While a Medical Clinic is an employment use in its own accord, as it is a form of an office which is permitted by the Official Plan throughout the Business Park, its location on a collector road shows it is appropriately located and not on a local road in the Business Park.
• The existing building last contained the Head Office of Pearson Dunn Insurance Incorporated. The building was purpose built as an office in 1989, and general office uses have continued on the subject lands with no conflict to or from surrounding land uses. While a Medical Clinic would presumably have a greater number of persons attending the building from elsewhere in the Business Park and from surrounding areas, the functionality of the building is essentially unchanged and there are no expected impacts or compatibility issues with surrounding properties. The surrounding land uses are a mix of wholesale/commercial and industrial uses, as well as building supply shops that are open to the public for retail sales in addition to serving local trade contractors. No surrounding property owners or tenants expressed any concerns with the proposed use.

• Zoning By-law No. 05-200 permits Medical Offices and Clinics within the Light Industrial (M6) Zone, which is a functionally comparable zone to the Prestige Business Park (M3) Zone. The (M6) Zone encompasses large areas of the lower cities industrial area and includes all industrial land that is located within 300m of a sensitive land use. This is similar to the subject lands which are located approximately 300m from Upper Ottawa Street, where residential land uses are located.

• While there are commercially zoned properties that are not located within the Business Park that already permit Medical Clinics, it is rare to find an existing office building, with substantial parking, available for purchase or lease in these commercial areas for easy conversion to a Medical Clinic. The proposed use would allow for a team of physicians and medical professions to locate in one building. Having the second storey available for general offices would also allow for synergetic office uses such as medical research and development, medical wholesaling or warehousing, medical insurance offices, or general office uses for a medical supply company.

• General office uses are already permitted in the (M3) Zone. However, major office developments are generally encouraged to be located in downtown areas. The applicant has indicated that the previous owner has had difficulty in finding a purchaser of the building that would be seeking such a large amount of general office space in a Business Park, whereas a Medical Clinic is an employment use that both provides office/professional employment opportunities, while both serving surrounding residents and employees of the Business Park.

• By limiting the size of the Medical Clinic to the ground floor only, it would be at a scale more consistent with the type of a Medical Clinic that would serve both business park employees and other residents, whereas a larger facility would likely serve mostly residents living outside the Business Park.
Medical Clinics have the potential to generate a large demand for vehicular trips and related parking. The subject lands already contain a larger parking lot and, through the availability of overflow parking on the abutting property to the west through an agreement between the two owners, there would be sufficient parking for the demand. As the subject lands are distant enough from low density residential areas, there would be no impact from the increased traffic generation or from related parking impacts.

Based on the above, there are a number extenuating circumstances that lead the existing office building at 260 Nebo Road to be an appropriate location for a medical clinic within the Business Park.

4. The Traffic Engineering Section of the Public Works Department commented on the loading space and manoeuvring aspects of the site plan. In this regard, loading spaces are not a requirement of Zoning By-law No. 05-200, and the applicant has advised that the Medical Clinic would only receive small infrequent deliveries from small delivery vans. The applicant has also demonstrated that the 4.1m maneuvering is sufficient for the angled parking, and that this parking already exists with no issues. Final review of the parking layout and maneuvering space would occur at the Site Plan Control stage of development.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the lands could be developed in accordance with the current Prestige Business Park (M3) Zone, which permits a broad range of employment related uses. As previously noted, the existing building was purpose built for office uses, and it would likely not function for the full range of uses permitted in the (M3) Zone without substantial alterations or demolition.

**CORPORATE STRATEGIC PLAN**


**Financial Sustainability**
- Generate assessment growth/non-tax revenues.

**Growing Our Economy**
- Newly created or revitalized employment sites.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment
- Appendix “C”: Preliminary Site Plan

:GM
Attachs. (3)
### Location Map

**Planning and Economic Development Department**

**File Name/Number:**
ZAR-11-035

**Date:**
September 27, 2011

**Appendix "A"**

**Scale:**
1" = 20'  NTS

**Planner/Technician:**
GM/NB

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**Subject Property**

260 Nebo Road

- Change in Zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 10, H2) Zone

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**Ward 6 Key Map**

NTS
WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

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. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton, in accordance with the provisions of the Planning Act;

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

1. That Map 1499 of Schedule “A” - Zoning Maps, of Zoning By-law No. 05-200, be amended by changing the zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 10, H2) Zone, the extent and boundaries of which are shown on a plan hereeto annexed as Schedule “A” to this By-law.
2. That Schedule "C" - Special Exceptions, of By-law No. 05-200, is hereby amended by adding the following Sub-section:

   “10 Notwithstanding Sections 9.3.1, 9.3.3(i)(i) and 5.6(c) of this By-law, on those lands zoned Prestige Business Park (M3, 10) Zone, as identified on Map No. 1499 of Schedule "A" - Zoning Maps, and described as 260 Nebo Road (Hamilton), the following special requirements shall apply:

   (a) A Medical Office(s) and a Medical Clinic shall be permitted, only on the ground floor of the building existing on the date of the passing of the By-law, being the __ day of __, 2011;

   (b) A minimum 4.3 metre wide Landscaped Area shall be provided and maintained abutting Lancing Drive, except for points of ingress and egress; and,

   (c) A minimum of 1 parking space for each 29 square metres of gross floor area, which accommodates such use, shall be provided for a Medical Clinic or Medical Office(s).

3. That Schedule “D” - Holding Provisions, of By-law No. 05-200, be amended by adding the additional Holding Provision as follows:

   “2 Notwithstanding Section 9.3 of this By-law, within the lands zoned Prestige Business Park (M3, 10) Zone, on Map No. 1499 of Schedule "A" - Zoning Maps, and described as 260 Nebo Road (Hamilton), no development or change of use shall be permitted until such time as:

   (a) The owner has applied for and received final approval of a Site Plan Control Application, to the satisfaction of the Manager of Development Planning; and,

   (b) The owner has entered into a long-term agreement with the owner of the property at 145 Lancing Drive to permit surplus parking from 260 Nebo Road on the gravel, rear parking area at 145 Lancing Drive that is accessed from 260 Nebo Road, to the satisfaction of the Manager of Development Planning.”

4. 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.
5. That this By-law No. shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED and ENACTED this day of , 2011.


R. Bratina
Mayor

Rose Caterini
Clerk

ZAR-11-035
Appendix "B" to Report PED11205 (Page 4 of 4)

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

Schedule "A"

Map Forming Part of
By-Law No. 11-____
to Amend By-law No. 05-200
Map 1499

Subject Property
260 Nebo Road

Change in Zoning from the Prestige Business Park (M3)
Zone to the Prestige Business Park (M3, 10, H2) Zone

Scale:
N.T.S.
File Name/Number: ZAR-11-035
Date: Sep. 27, 2011
Planner/Technician: GM/NB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT