SUBJECT: Application for a Zoning By-law Amendment for the Lands Located at 3015, 3021 and 3027 Binbrook Road West, and 3016, 3030 and 3034 Regional Road 56 (Glanbrook) (PED09236) (Ward 11)

RECOMMENDATION:

That approval be given to amended Zoning By-law Application ZAC-07-064, by Craft Development Corporation, Applicant, for changes in zoning from the Existing Residential “ER” Zone (Block “1”) and the General Commercial “C3” Zone (Block “2”) to the Holding - General Commercial “H-C3-255” Zone, with a Special Exception and Holding provision, to permit a commercial development, on the lands known municipally as 3015, 3021 and 3027 Binbrook Road West, and 3016, 3030 and 3034 Regional Road 56, as shown on Appendix “A” to Report PED09236, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED09236, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act, by introducing the Holding ‘H’ symbol as a suffix to the proposed zoning. The Holding provision will prohibit the development of the subject lands until such time as:

(i) The subject lands are consolidated in the same name and title, to the satisfaction of the Director of Planning.

(c) That the amending By-law be added to Schedule “H”, of Zoning By-law No. 464.
(d) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan and Township of Glanbrook Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the application is for changes in zoning to permit the development of the subject lands for commercial purposes. The proposed zoning would accommodate a range of commercial uses, excluding motor vehicle related uses. In order to ensure orderly development of the lands, it is recommended that an ‘H’ Holding provision be added to the proposed zoning requiring the applicant to consolidate the subject lands in the same name and title.

The proposal has merit and can be supported since it is consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and conforms to the Hamilton-Wentworth Official Plan and Township of Glanbrook Official Plan.

**BACKGROUND:**

**Proposal**

The subject lands include five properties, of which four fall within the Existing Residential “ER” Zone, and the remaining parcel falls within the General Commercial “C3” Zone (see Appendix “A”). The application seeks to change the zoning of the subject lands from the Existing Residential “ER” Zone (Block 1) and the General Commercial “C3” Zone (Block 2) to a site-specific General Commercial “C3-255” Zone. The purpose of this application is to permit the development of three buildings to accommodate a bank, commercial retail, and restaurant uses.

The applicant submitted a concept plan showing the location of the proposed buildings and layout of the proposed parking area (see Appendix “C”). Building “A” is a one-storey, 464.5 square metre bank building; Building “B” is a one-storey, 1,731 square metre commercial retail building; and Building “C” is a one-storey, 163 square metre restaurant building.

To ensure the proposal implements the Binbrook Village Urban Design Guidelines, staff, together with the applicant, has prepared a number of modifications to the General Commercial “C3” Zone applicable to all of the subject lands. The proposed modifications are as follows:
• Restrict the range of permitted uses, specifically prohibiting motor vehicle related uses.

• Require a maximum front yard setback of 3.0 metres, instead of the minimum required 9.0 metres.

• Reduce the minimum side yard setback abutting the southerly interior side yard from 3.0 metres to 1.5 metres.

• Require a maximum exterior side yard setback of 3.0 metres abutting a street line, instead of the minimum required 7.5 metres.

• Reduce the minimum rear yard setback from 7.5 metres to 1.5 metres.

• Reduce the minimum setback between a parking area and a street from 4.5 metres to 3.0 metres.

• Reduce the minimum setback between a parking area and a Residential or Institutional Zone, or any Zone where the adjoining land is used for residential or institutional purposes, from 4.5 metres to 1.5 metres.

• Reduce the minimum width of a landscaped area abutting a Residential or Institutional Zone, or any Zone where the adjoining land is used for residential or institutional purposes, from 4.5 metres to 1.5 metres. The definition of a landscape area has been modified to include walkways.

• Reduce the minimum width of a landscaped area abutting a street line from the required 4.5 metres to 3.0 metres, except where a building is located.

• Require a minimum 3.0 metre wide landscaped area, in the form of a planting strip, where a parking area abuts a street line.

• Reduce the minimum required size of parking spaces from 3.0 metres x 6.0 metres to 2.6 metres x 5.5 metres.

• Modify the size of the barrier free parking spaces from 3.9 metres x 6.0 metres to 4.4 metres x 5.5 metres.

• Require parking at a rate of 1 space per every 25 square metres of gross floor area for commercial uses, and 1 parking space for each dwelling unit. Visitor parking shall be shared with commercial parking.

• Reduce the minimum number of required loading spaces from two to one.

• Recognize the as built location of 3034 Regional Road 56.
Establish the Regional Road 56 lot line as the front lot line.

Staff has added a modification to permit mixed-use development with residential uses above ground floor commercial. Also, staff has requested the applicant to include a City owned parcel of land into the proposal to ensure orderly development of the lands. The applicant is supportive of added City owned lands.

Details of Submitted Application

Location: 3015, 3021 and 3027 Binbrook Road West
3016, 3030 and 3034 Regional Road 56
(See Appendix “A”)

Owner: Bando Enterprises Incorporated (Mr. Chulwhan Do)

Applicant: Craft Development Corporation

Agent: MHBC Planning (David McKay)

Property Description: Frontage: 79.00 metres (Regional Road 56)
Flankage: 90.69 metres (Binbrook Road West)
Area: 0.84 hectare

EXISTING LAND USE AND ZONING:

<table>
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<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
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<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
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<td>Vacant</td>
<td>General Commercial “C3” Zone</td>
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<th>Surrounding Lands</th>
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<td>Commercial - General Store</td>
<td>General Commercial “C3” Zone</td>
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<td>Single Detached Dwellings</td>
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<td>South</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone and General Commercial “C3” Zone</td>
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<td>East</td>
<td>Grocery Store with LCBO Outlet and Single Detached Dwellings</td>
<td>General Commercial “C3” Zone</td>
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<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone and Residential “R4-200” Zone</td>
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ANALYSIS/RATIONALE:

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

   (i) The proposal is consistent with the Provincial Policy Statement.

   (ii) The proposal conforms to the “Urban Area” policies of the Hamilton-Wentworth Official Plan.

   (iii) The proposal conforms to the “Binbrook Community Core” Designation of the Township of Glanbrook Official Plan.

   (iv) The proposal implements the “Binbrook Village Community Core Urban Design Guidelines”.

2. As noted earlier (Page 4), to ensure orderly development, staff has requested the applicant to include a City owned parcel of land into the proposal. The City owned parcel is located at the south-west corner of Binbrook Road and Regional Road 56, and measures approximately 13.1m by 21m. The City's Real Estate Section was circulated the application, and noted that the City owned asset as a stand alone parcel is compromised by the City having to retain a 12m x 12m daylight triangle and, as a result, the site becomes significantly undersized and should be merged with the adjoining lands. The 12m by 12m daylight triangle requirement was established through the Binbrook Road and Regional Road 56 Municipal Class Environmental Assessment, which recommends several upgrades to the intersection and both Binbrook Road and Regional Road 56.

   In response to the City’s Real Estate Section’s comments, the applicant has submitted a formal request to purchase the municipal asset at the corner. As a result, the City’s Real Estate Section has declared the lands surplus, and conducted an appraisal of this asset. The lands will be offered to the applicant at fair market value, and will include a condition that requires the lands to be merged with the abutting lands. Also, it is understood that the applicant is in the process of finalizing the purchase of the remaining subject properties. As such, staff has recommended that an ‘H’ Holding provision be added to the proposed zoning requiring the applicant to consolidate all of the subject lands in the same name and title to ensure orderly development.

   The inclusion of the City owned lands at the corner with the subject application will allow for the implementation of the Glanbrook Official Plan, Binbrook Village Secondary Plan, and Binbrook Village Community Core Urban Design Guidelines.

3. The subject lands are located at the southwest corner of the intersection of Regional Road 56 and Binbrook Road West (see Appendix “A”), and are designated “Community Core” in the Township of Glanbrook Official Plan. The “Community Core” designation permits a full range of commercial activities such
as retail stores, personal and business services, restaurants, offices, medical centres, cultural, recreational and entertainment facilities, parks, institutions and community facilities to serve the needs of Binbrook Village and the surrounding area. The current Glanbrook Zoning By-law No. 464 does not have a Zone category that directly corresponds or 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:

(a) Banks and financial institutions, Brewers Retail stores, commercial schools, day nurseries, dry cleaning establishments, funeral homes, hotels, laundries, Liquor License Board of Ontario stores, offices, personal services shops, photographic studios, places of entertainment, post offices, printing establishments, private or commercial clubs, professional and business offices, fast food restaurants (excluding drive-thru), standard restaurants (excluding drive-thru), take-out restaurants (excluding drive-thru), retail stores, service shops, taverns, and veterinary service establishments with no outside runs; and uses, buildings 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.

4. The applicant submitted a concept plan with the application, attached as Appendix “C”, and based on the review of this application staff, together with the applicant, has identified a number of modifications that will be incorporated in the amending By-law. The modifications will implement the “Binbrook Village Community Core Urban Design Guidelines”, and relate specifically to building setbacks, landscaping requirements, parking and loading requirements, as well as the as built location of 3034 Regional Road 56, which are discussed below.

**Urban Design - Building Setbacks**

The proposed reductions to front yard and side yard setbacks are as follows:
• Require a maximum front yard setback of 3.0 metres, whereas the Zoning By-law requires a minimum 9.0 metres.

• Reduce the minimum interior side yard setback to 1.5 metres, whereas the Zoning By-law requires a minimum 3.0 metres.

• Require a maximum exterior side yard adjacent to a street line of 3.0 metres, whereas the Zoning By-law requires a minimum 7.5 metres.

The proposed yard reductions along Binbrook Road West and Regional Road 56 will allow for an attractive streetscape with principal building facades orientated towards the street. Staff can support the requested modifications since they will allow for a street-orientated, pedestrian friendly form of development that is envisioned by the Binbrook Village Secondary Plan and Binbrook Village Community Core Urban Design Guidelines.

Landscaping Requirements

The applicant is proposing to reduce the minimum width of a landscaped area abutting a Residential Zone to 1.5 metres, whereas the Zoning By-law requires a minimum landscaped area 4.5 metres in width to be provided and maintained adjacent to any Residential or Institutional Zone, or where the adjoining land is used for residential or institutional purposes. The lands to the west and south of the proposed development are currently designated “Binbrook Community Core”, however, they are zoned Existing Residential “ER” Zone. Also, the proposal is subject to site plan control, where the type and amount of landscaping will be reviewed to ensure sufficient buffering for the existing residential properties is provided and maintained. Staff is of the opinion that the proposed 1.5 metres landscape strip is appropriate, as sufficient landscaping and buffering can be accommodated.

Also, the applicant is proposing to reduce the minimum width of a landscaped area abutting a street line from 4.5 metres to 3.0 metres. The reduction will allow for a street oriented design with sufficient space for street landscaping. The width of the landscape areas abutting a street is consistent with the proposed maximum front yard setback. Staff supports the proposed reduction, as it is consistent with the development that is envisioned in the Binbrook Village Secondary Plan and Binbrook Village Community Core Urban Design Guidelines.

Parking

The applicant is requesting to reduce the minimum required size of parking spaces to 2.6 metres x 5.5 metres, whereas the Zoning By-law requires 3.0 metres x 6.0 metres. The reductions can be supported since they are consistent with the minimum size of parking spaces (2.6 metres x 5.5 metres), as permitted in the New City of Hamilton Zoning By-law No. 05-200.
The applicant is also proposing to modify the minimum required size of a barrier free parking space to 4.4 metres x 5.5 metres, whereas the Zoning By-law requires 3.9 metres x 6.0 metres. The modification can be supported since it is consistent with the minimum size of barrier free parking spaces (4.4 metres x 5.5 metres), as permitted in the New City of Hamilton Zoning By-law No. 05-200.

The applicant is proposing to locate parking spaces within 1.5 metres of the boundary of any Residential Zone or Institutional Zone, and within 3.0 metres of a street line, whereas the Zoning By-law requires a minimum setback of 4.5 metres adjacent to the boundary of any Residential or Institutional Zone and 7.5 metres from a street line. As previously mentioned, staff is recommending a 1.5 metre landscape strip adjacent to any Residential Zone and 3.0 metres to a street line and, therefore, can support the proposed modifications.

The applicant is proposing a total of 106 parking spaces for the proposed 2,358.5 square metre commercial development, which calculates to a proposed parking ratio of 1 parking space for every 22.2 square metres of gross floor area. The proposed implementing By-law recommends a parking ratio of 1 space per residential dwelling unit, and 1 space per every 30 square metres of gross floor area for commercial uses, which has been established for other mixed use developments in the Binbrook Village Area (e.g. 3206 Regional Road 56, 2660 Binbrook Road East and 2620 Binbrook Road East). Based on this ratio, the applicant would be required to provide 79 parking spaces, which is significantly less than the 106 spaces proposed. As such, the reduced parking ratio provides flexibility for the ultimate design of the site, and an opportunity for future residential and/or commercial expansion, and can be supported.

### Loading

The applicant is proposing one loading space for the proposed commercial development, whereas the By-law requires a minimum of two loading spaces. Based on the list of permitted uses, and the types of proposed uses as indicated by the applicant, staff is satisfied that sufficient loading will be provided for the proposed development.

#### 3034 Regional Road 56

Due to the cultural heritage value (see Comment 6 - Page 9) of the existing building at 3034 Regional Road 56, the proposed zoning has been modified to recognize its location and permit the full range of commercial and residential uses proposed within the existing building.

5. In accordance with the Binbrook Village Transportation Master Plan, the ultimate right-of-way width has been identified as 26.21 metres (86 feet) for both Regional Road 56 and Binbrook Road East. As such, redevelopment of the subject lands would be subject to road widening dedications on both Regional Road 56 and Binbrook Road, which would be dedicated as a condition of any future site plan...
control approvals. The applicant/owner will be responsible for all costs related to the preparation and registration of legal documents, and a Reference Plan for the road widenings.

There is an existing storm sewer and watermain along Binbrook Road, and existing storm sewers on Regional Road 56. However, there is no sanitary sewer fronting the subject lands. According to the proponent's Functional Servicing Report, the subject lands will be serviced by the existing 400mm watermain, located within the existing Binbrook Road allowance. The report also proposes a new connection to the existing sanitary sewer, which terminates just east of the intersection of Binbrook Road and Regional Road 56. Development Engineering staff has advised that there is sufficient capacity to accommodate the proposed sanitary connection on a temporary basis. Upon construction of a new sanitary sewer along Binbrook Road, in accordance with the recommendations of the Binbrook Road and Regional Road 56 Municipal Class Environmental Assessment (EA), the Owner will be required to disconnect and abandon the temporary sanitary connection and connect to the new sanitary sewer. Upon connection to the new sanitary sewer, the Owner will pay actual construction costs for the sanitary sewer and connection in accordance with The Municipal Act By-law. All costs related to the temporary sanitary connection will be 100% Owner's cost. There is an existing 675mm storm sewer located along the east side of Regional Road 56. Staff will only support a temporary connection to this 675mm storm sewer if it can be demonstrated that this sewer is a suitable outlet. If it is determined that a connection is possible, the Owner will be required to disconnect the temporary connection when the new storm sewer is constructed along Regional Road 56. The City shall secure the cost of a future storm connection, and all costs related to the temporary connection will be at 100% the developer's expense. As a condition of any future site plan approval, the Owner will be required to submit a stormwater management report, which shall demonstrate how flows will be maintained to pre-development levels for the 5 year and 100 year storms.

6. The subject lands include 3021 and 3027 Binbrook Road, and 3034 Highway 56, which are listed in the City’s Inventory of Buildings of Architectural and/or Historical Interest and appear on historical mapping from as early as 1903. As a result, staff required a Cultural Heritage Assessment be completed for these listed buildings in order to document the history and construction of the structures for archival purposes. A Cultural Heritage Assessment was completed by ATA Architect Inc. for the three listed properties. The assessment concluded that, with the exception of the house at 3034 Regional Road 56, the single-detached dwellings on the subject properties have been significantly altered and retain little heritage integrity or value. However, 3034 Highway 56 retains many of its original exterior and interior features, and as such, elements of the building, a portion of, or the entire building should be incorporated in the design of the new commercial buildings. Heritage staff is satisfied with the Cultural Heritage Assessment. The proposed zoning has been modified to recognize the location of the existing building at 3034 Regional Road 56, and would permit the full
range of commercial uses proposed within the existing building. Although the applicant's concept plan (see Appendix "C") does not propose to incorporate this building, staff is satisfied that the proposed zoning includes provisions to encourage its adaptive reuse as the proposal proceeds to the site plan control stage. Additionally, staff will aim to incorporate as many of the design elements of the building through the required site plan control application.

7. Staff received two written responses (see Appendix "D") as a result of the circulation of the application. The responses expressed concerns related to noise, traffic, loss of privacy for existing residential dwellings, and reduction in property values for the abutting residential properties.

**Noise**

One concern relates to the noise generated from the proposed parking areas along the rear yard amenity space of the abutting existing dwellings. The proposed By-law would require the applicant to erect a 1.8m privacy fence along the entire property boundary that abuts a residential district, in order to buffer the noise generated by the proposed commercial use. Also, once the final site plan and tenants are confirmed at the site plan control stage, staff will determine if a noise assessment is required. As such, staff is satisfied that the potential noise impacts will be mitigated through the required site plan control application.

**Traffic**

Another concern has been raised regarding the amount of traffic the new commercial uses will generate. The proposal implements the "Community Core" designation of the Binbrook Village Secondary Plan, which has identified the appropriate locations for commercial development that can accommodate the amount of new traffic that will be generated. Also, as noted earlier, development of the subject lands is subject to site plan control, where the site design and vehicular access points will be further investigated to ensure efficient and safe traffic circulation. Furthermore, Traffic Engineering staff has reviewed the proposal, and has no objection to the subject application.

**Privacy**

Another concern relates to the loss of privacy for the existing abutting residential properties. As noted earlier, the proposed By-law would require the applicant to erect a 1.8m privacy fence, and provide a minimum 1.5m landscape strip along the entire property boundary that abuts a residential district, in order to buffer noise and provide privacy for the existing abutting residential dwellings.

**Property Values**

Another concern relates to the potential reduction in property values of the abutting properties. As noted earlier, the proposal seeks to change the zoning of
the subject lands to permit a range of commercial and mixed-uses in accordance with the "Community Core" designation of the Binbrook Village Secondary Plan of the Glanbrook Official Plan, which is the guiding document for development in Binbrook. Furthermore, staff is unaware of any information that would indicate a potential for surrounding property values to be reduced as a result of the approval of the subject application.

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

8. The applicant hosted a neighbourhood meeting on June 30, 2009, in order to obtain the community’s views on the proposal. City staff was invited to the meeting, where several neighbourhood residents identified concerns regarding the design of the proposed buildings, potential traffic impacts, and the proposed tenants.

Regarding the design of the proposed buildings, the proposal is subject to site plan control, where the exterior building design, including building materials, will be reviewed and subject to approval in accordance with the Binbrook Village Secondary Plan, Binbrook Village Community Core Design Guidelines, and Site Plan Guidelines.

Another concern has been raised regarding the amount of traffic the new commercial uses will generate. As noted earlier, development of the subject lands is subject to site plan control, where the site design and vehicular access points will be further investigated to ensure efficient and safe traffic circulation.

With respect to the proposed tenants, the proposed By-law specifies the list of permitted uses. Furthermore, the applicant has identified three potential tenants, which include: a bank, commercial retailer, and a restaurant. It should be noted that in accordance with the Planning Act, the City’s Zoning By-law can regulate the range of uses permitted within a zone on any given property, but cannot, however, regulate occupancy of the use. 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

**ALTERNATIVES FOR CONSIDERATION:**

In the event Council does not support the proposed changes in zoning, the use of the subject property would continue to be regulated by the Existing Residential “ER” Zone and the General Commercial “C3” Zone provisions contained in Zoning By-law No. 464.

**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 an amendment to the Zoning By-law.

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 Policy 1.1.3.1 of the Provincial Policy Statement, which focuses growth in settlement areas.

Policy 2.6.2 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 which maintains the heritage integrity of the site may be permitted. To address this concern, an Archaeological Assessment has been conducted, and has been cleared by the Ministry of Culture and the City of Hamilton.

Lastly, Policy 2.6.1 states that significant built heritage resources and significant cultural heritage landscapes shall be conserved. A portion of the subject lands (3021 and 3027 Binbrook Road and 3034 Regional Road 56) are listed in the City’s Inventory of Architectural and/or Historical Interest, and appear on historical mapping from 1903. As noted earlier (Page - 9), a Cultural Heritage Assessment was completed in order to document the history and construction of the structures for archival purposes. Furthermore, the proposed zoning has been modified to recognize the location of the existing building at 3034 Regional Road 56 and permit the full range of commercial uses. Staff is satisfied that the proposed zoning includes provisions to encourage its adaptive reuse as the proposal proceeds to the site plan control stage. Additionally, staff will aim to incorporate as many of the design elements of the building through the required site plan control application.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-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 Urban Areas. As the nature of the application is to change the existing zoning to allow for commercial development within the urban area, 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 the adverse impacts and encourages maintenance and protection. To address this concern, an Archaeological Assessment has been conducted, and has been cleared by the Ministry of Culture and the City of Hamilton.

Glanbrook Official Plan

The subject property is designated “Binbrook Community Core” on Schedule ‘A’ - Land Use Plan, and “Community Core” on Schedule ‘B’ - Binbrook Village Secondary 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:

“A.10.1 To encourage the preservation, conservation and rehabilitation of buildings, structures and/or lands of architectural, historical and/or archaeological value to enhance the character and heritage of the Township.

B.2.2.2.6 Heritage Resources

a) To ensure that any archaeological resources are properly investigated prior to the commencement of 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 maneuvering 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).

(p) To make the Community Core the identifiable commercial centre of Binbrook Village.

B.2.2.3.7.1.7 Intersection of Regional Road 56 and Binbrook Road

The intersection of Regional Road 56 and Binbrook Road is identified as a prominent Focal Point within the Community Core.

(a) The Township shall be encouraged to develop specific design guidelines for the four (4) corners of this focal point.

(b) The design of this focal point should address both the pedestrian and motorist, and should capitalize on their four-corner exposure.

(c) Proposed buildings and/or streetscape elements should emphasize these four (4) corners as focal points, contributing to the distinctive character of the Community Core.

(d) Buildings should be located close to the front lot line.

(e) Buildings should be appropriately angled right at the intersection to create publicly accessible spaces of high quality, in terms of design and materials, and also to ensure adequate sight lines.

G.5.3 In situations where the ultimate use of land is precisely known, but where Council wishes to delay development, a Holding Zone may be applied by using the symbol ‘H’ in conjunction with a land use zoning category under any or all of the following circumstances:

(b) When land assembly is required to permit orderly development or redevelopment.”

The proposed development conforms to the Official Plan since it proposes a street orientated, pedestrian friendly form of development, as encouraged by the policies of the Plan. In addition, an Archaeological Assessment has been conducted, and has been cleared by the Ministry of Culture and the City of
Hamilton to satisfy the above noted policies. Also, the zoning has been modified to remove the highway commercial uses, such as motor vehicle related uses, of the General Commercial “C3” Zone and only permit mixed use, retail stores, business and service uses, offices and community uses that will serve the needs of the Binbrook Village, as envisioned by the Official Plan. Additionally, the proposed modifications address issues regarding built form to implement the vision of the Binbrook Village Secondary Plan and Binbrook Village Community Core Urban Design Guidelines. Finally, an ‘H’ Holding provision has been added to the proposed zoning requiring the applicant to finalize the assembly of the subject lands to ensure orderly development. Accordingly, the proposal conforms to the plan.

RELEVANT CONSULTATION:

The following Departments/Agencies had no comments or objections:

- Hamilton Municipal Parking Services.
- Public Health Services Department.
- Niagara Peninsula Conservation Authority.
- Ministry of the Environment.
- Hamilton Street Railway.
- Hydro One Networks.
- Mountain Cable Vision.
- Bell Canada.
- Union Gas.

The Traffic Engineering and Operations Section, Public Works Department, commented that that Binbrook Village Transportation Master Plan identified that a centre median is recommended to be constructed on both Binbrook Road and Regional Road 56, which would likely result in access restrictions to the subject property. The Phase 3 and 4 of the Environmental Assessment has recently been finalized, in which the ultimate design of Binbrook Road and Regional Road 56 has been addressed. The Traffic Engineering and Operations Section has no objection to the proposed change in Zoning, and any issue related to access points can be dealt with at the Site Plan Control Stage.

The Budgets and Finance Division, Corporate Services Department, commented to ensure that the owner/applicant is aware of the estimated local improvement commutation amount of $37,727.03, payable at the Site Plan Control Stage.

The Forestry and Horticulture Section, Public Works Department, has identified that there are Municipal Forestry concerns, and that there are fourteen Municipal Tree Assets located along the frontages of Binbrook Road East and Regional Road 56. A Tree Management Plan, prepared by a Landscape Architect, will be required as a condition of approval at the Site Plan Control Stage.
Public Consultation

In accordance with the new provisions of the Planning Act and Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 138 property owners within 120 metres of the subject property on September 27, 2007. Two formal responses (Appendix “D”) were received as a result of this circulation, and are discussed in the Analysis/Rationale section of the report (Comment 7).

Also, the applicant hosted a neighbourhood meeting on June 30, 2009, in order to obtain the community’s views on the proposal. Several concerns were identified at the meeting, and are discussed in the Analysis/Rationale section of the report (Comment 8). In response to the resident’s concerns, the applicant has indicated that the design related concerns have been noted, and revisions to the building elevations will be addressed at the Site Plan Control Stage.

Further, a Public Notice sign was posted on the property on October 17, 2007, and Notice of the Public Meeting was given in accordance with the requirements 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 is involved in the definition and development of local solutions, and the proposal provides for a compact, pedestrian friendly form of development in the Binbrook Village Community Core.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The proposal is within the Urban Area relieving pressure to expand into the Rural Area.

Economic Well-Being is enhanced. ☑ Yes ☐ No
The proposal will attract a range of commercial uses to the Binbrook Village Community Core.

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. (4)
Appendix "A" to Report PED09236 (Page 1 of 1)

Location Map

File Name/Number: ZAC-07-064
Date: July 20, 2009

Appendix "A"

Scale: N.T.S.

Planner/Technician: DF/NB

Subject Property

- BLOCK 1 - Change in Zoning from the Existing Residential "ER" Zone to the Holding - General Commercial "H-C3-255" Zone, Modified
- BLOCK 2 - Change in Zoning from the General Commercial "C3" Zone to the Holding - General Commercial "H-C3-255" Zone, Modified

Ward 11 Key Map
CITY OF HAMILTON

BY-LAW NO. ______

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 3015, 3021 and 3027 Binbrook Road West, and 3016, 3030 and 3034 Regional Road 56

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City Of Hamilton”;

AND WHEREAS the City Of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the 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 Item ______ of Report 09-____ of the Economic Development and Planning Committee at its meeting held on the ____ day of ____, 2009, 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 amended:
(a) by changing from the Existing Residential “ER” Zone to the Holding - General Commercial “H-C3-255” Zone, the lands comprised of Block “1”; and,

(b) by changing from the General Commercial “C3” Zone to the Holding - General Commercial “H-C3-255”, the land comprised of Block “2”; 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 the By-law”, of Zoning By-law No. 464, be amended by adding a new special provision, “H-C3-255”, as follows:

“H-C3-255” 3015, 3021 and 3027 Binbrook Road West, and 3016, 3030 and 3034 Regional Road 56

Notwithstanding SECTION 25: GENERAL COMMERCIAL “C3” ZONE, Subsection 25.1 - PERMITTED USES, the uses permitted on the lands zoned “H-C3-255”, shall be limited to:

(a) Banks and financial institutions, Brewers Retail stores, commercial schools, day nurseries, dry cleaning establishments, funeral homes, hotels, laundries, Liquor License Board of Ontario stores, offices, personal services shops, photographic studios, places of entertainment, post offices, printing establishments, private or commercial clubs, professional and business offices, fast food restaurants (excluding drive-thru), standard restaurants (excluding drive-thru), take-out restaurants (excluding drive-thru), retail stores, service shops, taverns, and veterinary service establishments with no outside runs; and uses, buildings and structures accessory to the above permitted uses.

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

Notwithstanding the definition of “Lot Line, Front” in SECTION 4: DEFINITIONS, for the purpose of this By-law, the Front Lot Line of the lands zoned “H-C3-255” shall be deemed to be Regional Road 56.

Notwithstanding the regulations of SECTION 8: GENERAL COMMERCIAL “C3” ZONE, Subsection 25.2 - REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 25.1, Clauses (f), (g), (h), (j) and (l), the following regulations shall apply to the lands zoned “H-C3-255”;

(f) Maximum Front Yard .................................................. 3.0 metres

(g) Minimum Side Yard ............................................... 1.5 metres, except:

(i) A maximum 3.0 metres setback for the side yard abutting the flankage street (Binbrook Road West) line.
(h) Minimum Rear Yard……………………………………………………1.5 metres

(j) Minimum Parking Requirements:

(iv) No parking space or part thereof shall be located, and no land shall be used for the temporary parking or storage of any motor vehicle within 3.0 metres of a streetline, or within 1.5 metres of the boundary of any Residential Zone or any Zone where the adjoining land is used for residential purposes, or within 1.5 metres of the boundary of any Institutional Zone or any Zone where the adjoining land is used for institutional purposes.

(l) Minimum Landscaping Requirement:

(i) A landscaped area in the form of a planting strip having a minimum width of 1.5 metres shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential Zone or Institutional Zone or any Zone where the adjoining land is used for residential or institutional purposes. A visual barrier having a minimum height of 1.8 metres shall be provided and maintained adjacent to every portion of any lot line that abuts a Residential Zone 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, except where a building is located, and such landscaped area shall be continuous except for the required driveway(s). Sidewalks/walkways associated with the permitted uses and shown on an approved site plan are permitted within landscaped areas and planting strips.

Notwithstanding the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.35 - MINIMUM PARKING REQUIREMENTS, Clauses (a)(vii), (xv)(B), and (b), the following regulations shall apply to the lands zoned “H-C3-255”;

(a) General Provisions

(vii) Each parking space for ninety (90) degree perpendicular parking shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres.

(xv) Parking spaces for the physically handicapped shall be assigned to the required number of parking spaces where a minimum of ten (10) parking spaces are required, as follows:
(B) Each space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres.

(b) Off-Street Parking Space Requirements

(i) 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 all other permitted uses.

(ii) Visitor parking shall be shared with commercial parking spaces.

Notwithstanding the regulations of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES, Subsection 7.36 - MINIMUM LOADING REQUIREMENTS, Clause (b), the following regulations shall apply to the lands zoned “H-C3-255”;

(b) Off-Street Loading Requirements

A minimum of one (1) loading space shall be provided and maintained.

On those lands zoned “H-C3-255” by this By-law, the Holding ‘H’ symbol may be removed by City Council, and thereby give effect to the “C3-255” Zone provisions by enactment of an amending By-law at such time as the subject lands are consolidated in the same name and title, to the satisfaction of the Director of Planning.

3. That notwithstanding SECTIONS 25: GENERAL COMMERCIAL “C3” ZONE and Section 2 of this By-law, the conversion of the existing dwelling, known municipally as 3034 Regional Road 56, shall be limited to the uses permitted in Section 2 of this By-law, at its current location existing on the day of the passing of this By-law, being the ______ day of ______, 2009.

4. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “C3” District provisions, subject to the special requirements referred to in Sections 2 and 3 of this By-law.

5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this ______ day of ______, 2009.

_________________________________________   ___________________________________________
Fred Eisenberger                                    Kevin C. Christenson
Mayor                                              Clerk

ZAC-07-064
This is Schedule "A" to By-Law No. 09-
Passed the .......... day of ..................., 2009

Clerk
Mayor

Schedule "A"
Map Forming Part of By-Law No. 09-______
to Amend By-law No. 464

Subject Property

BLOCK 1 - Change in Zoning from the Existing Residential "ER" Zone to the Holding - General Commercial "H-C3-255" Zone, Modified
BLOCK 2 - Change in Zoning from the General Commercial "C3" Zone to the Holding - General Commercial "H-C3-255" Zone, Modified
To: David FALLETTA
City of Hamilton
Planning and Economic Development

Regarding file No: ZAC-07-064

Dear Mr. Falletta:

I am the resident of 81 Donald Bell Dr. in Binbrook. I purchased this property in July 2006. Before I purchased I did research the City of Hamilton’s plan for Binbrook development. Specifically, I noted that the south west corner of Binbrook Rd. and Hwy 56 was slotted to be a parkette. With this information and the fact that there are existing residential homes with 200 foot lots; I purchased lot 114 which carried a lot premium of $8,000.00.

I was ecstatic to have a beautiful new home in an almost park like setting with lots of beautiful mature trees. I was excited to raise my three children in such a wonderful little town and looking forward to life in Binbrook.

We moved into the house in January, 2007. Shortly after, we noticed the commercial for sale sign sitting on the lot that was supposed to be a parkette (as per the City of Hamilton’s website). I checked the website again and found that the City of Hamilton had now changed the plan for the southwest corner. This corner is no longer going to be a park and the existing residential with the 200 foot lots and tons of mature trees are going to be leveled for commercial. No doubt a gas station with a Tim Hortons or some other business with stinky dumpsters to attract rats and other unwanted rodents. Needless to say I am extremely disappointed and have been dreading this notice from the city.

I have numerous concerns regarding this application to change the zoning. This will detrimentally affect my family’s quality of life in numerous ways. It will no longer be a quiet back yard as the noise level will increase as the houses and trees are removed and a commercial business with lots of traffic takes their place. We will no longer have the privacy that we currently enjoy.

This zoning change and the resulting commercial development to follow will directly cause my property value to decrease. I paid over $300,000 dollars for my home, specifically because it is on a pie lot backing on to mature trees and residential homes. If commercial properties take the place of the existing residential, my family will literally loose tens of thousands of dollars upon sale of this house.

The current starting price with Losani for the model of home we purchased is $320,000 and new homes on average increase 5% each year. Realistically, if I tried to sell now, with the prospect of commercial property moving in the rear, I would not get anywhere near what I even paid for the home much less what I would be entitled to as far the average annual increase. Literally I would lose my shirt on this deal.
We are a young family with three children all under the age of 4. I am currently on maternity leave and am only returning to work part time due to the enormous expense of child care.

If this commercial zoning does take place I can only hope and pray that we are fairly compensated for the huge financial loss that my family will suffer when we are forced to move.

I honestly believe that I was educated when I purchased this house. I researched the City of Hamilton’s plans for development in Binbrook. Consequently, I made the decision to purchase lot 114 based on the City’s plans to keep the existing residential and put a parkette on the south west corner of Binbrook Rd. and Hwy 56.

I am requesting that the Economic Development and Planning Committee seriously consider other areas to create the commercial businesses and leave the south west corner as was originally planned, a parkette.

Thank you for your consideration.

Sincerely,

Krista Schmid
81 Donald Bell Dr. Binbrook
Dear Mr. Falletta,

This letter is in response to the notice my husband Dan and I received (yesterday, Oct. 15-07) in the mail, informing us of the zoning amendment application in reference to (File # ZAC-07-064).

When we bought our (first) brand new home from Losani, we did it with the intention of having the premium lot that we paid extra for, that backed onto mature residential properties. With this additional information, regarding an amendment to change the zoning to Commercial, we know that our "dream home" has just been threatened to go down in value. The resale prospect will devastate the outcome for us. Our home is considered an investment, and now we will be the ones to lose.

We are angry, and opposed to this application, and look forward to being advised of every provision you plan to make.

Sincerely, Judy and Dan Volpato
77 Donald Bell Dr. (Lot # 118)

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