SUBJECT: Application for a Modification in Zoning for Lands Located at 1092 Main Street West (PED06075) (Ward 1)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-05-110, Geese Developments Ltd. (Michael Schultz), owner, for a further modification to the “G” (Neighbourhood Shopping Centre, etc.) District, Modified, to permit a dance studio as an additional permitted use and one illuminated ground pylon sign in the front yard, for lands located at 1092 Main Street West, as shown on Appendix "A" to Report PED06075, on the following basis:

(a) That the subject lands be rezoned from the “G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified to the “G/S-1361a” (Neighbourhood Shopping Centre, etc.) District, Modified.

(b) That the draft By-law, attached as Appendix “B” to Report PED06075, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is to modify the current zoning of the subject lands to permit a dance studio as an additional permitted use and one illuminated ground pylon sign in the front yard.

The proposal has merit and can be supported in view of the fact that the changes in zoning are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Ainslie Wood Westdale Secondary Plan. The proposal is compatible with existing and planned land uses in the surrounding area and would allow for an adaptive reuse of an existing commercial building.

BACKGROUND:

Proposal

The application is for a change in zoning for lands located at 1092 Main Street West (see Appendix “A”). The purpose of the application is for a further modification to the current “G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified, to permit a dance studio as an additional permitted use and one illuminated ground pylon sign in the front yard with a sign area per face of 4.1 square metres, a height of 4.6 metres, and an area for changeable messages equal to 30% of the sign face area. Currently, there is an existing 232.3 sq.m. (2,500 sq. ft.) one-storey, vacant commercial building and paved parking area on the subject property (see Appendix “C”). No additions to the building are proposed.

Details of Submitted Application:

Owner/Applicant: Geese Developments Ltd. (Michael Schultz)

Location: On the north side of Main Street West to the east of Cline Avenue South, known as Lot 103 and Part of Lot 104, Registered Plan No. 646, in the City of Hamilton, municipally known as 1092 Main Street West (see Appendix “A”).

Description:

Frontage: 26.67 metres

Depth: 30.48 metres

Area: 812.90 square metres
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Subject Lands:</td>
<td>Existing 1 Storey</td>
<td>“G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified</td>
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<tr>
<td>Commercial Building</td>
<td>(vacant)</td>
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<td>Surrounding Lands:</td>
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<tr>
<td>North</td>
<td>Single Detached</td>
<td>“C/S-1361” (Urban Protected Residential, etc.) District, Modified</td>
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<td>Dwellings</td>
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<tr>
<td>South</td>
<td>Church</td>
<td>“C/S-1335a” (Urban Protected Residential, etc.) District, Modified</td>
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<tr>
<td>East</td>
<td>Restaurant</td>
<td>“G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified</td>
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<tr>
<td>West</td>
<td>Office</td>
<td>“G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Provincial Policy Statement and complies with the Hamilton-Wentworth Official Plan, City of Hamilton Official Plan and the Ainslie Wood Westdale Secondary Plan.
   
   (ii) The proposed use is compatible with existing and planned uses in the immediate area.
   
   (iii) The proposed use is an efficient use of an existing building, property and infrastructure.

2. Proposed Zoning

Currently, there is an existing one storey, vacant commercial building and parking lot on the subject property, which are to be used for the dance studio. No additions are proposed to the existing building. Since no new “development” is proposed, site plan approval would not be required.

The “G” (Neighbourhood Shopping Centre, etc.) District, which currently applies to the site, permits a range of commercial uses, including a business or professional office, bank, photographer’s or artist’s studio, hairdressing establishment, restaurant, and a retail establishment. While a dance studio is permitted by the
“Commercial” policies of the Hamilton Official Plan which apply to the site, this use is not permitted by the current zoning.

In accordance with the standard provisions of the “G” District, a planting strip having a minimum width of 1.5 metres must be provided and maintained along every side lot line and rear lot line adjoining a residential district or use. In addition, the Zoning By-law requires that a solid visual barrier, not less than 1.2 metres and not greater that 2.0 metres in height, must be provided where a commercial district abuts a residential district. Staff conducted a site visit of the subject property in February of 2006 and noted the following:

- There is no planting strip along the rear lot line abutting the residential uses to the north. This does not comply with the applicable zoning regulations. However, since the existing parking area is paved and there is mature vegetation along the rear lot line, staff recommends that a planting strip not be required along the rear lot line. This is reflected in the amending By-law (see Appendix “B”).

- There is a solid wood privacy fence (approximately 1.5 metres in height) abutting the residential uses to the north. This complies with the applicable zoning regulations.

The total floor area of the existing building is 232.3 square metres. The Zoning By-law requires a total of six parking spaces per classroom for the proposed use. The applicant has indicated that there are a total of twelve parking spaces on the subject property. Staff has confirmed this based on a site visit and the submitted survey plan (see Appendix “C”). The current number of parking spaces would allow two classrooms for the proposed use.

The applicant has also requested that the one illuminated ground pylon sign be permitted in the front yard. The proposed sign would be 4.6 metres in height with a sign face area of 4.1 sq.m. (refer to Appendix “D”). The Zoning By-law prohibits ground signs in a front yard. Staff has reviewed the proposed ground sign in light of the City’s Sign By-law Study (see Comment 3 below).

3. **Sign By-law Study**

Staff has reviewed this proposal within the context of the City’s Sign By-law Study, which was presented to the Committee in December 2005. A Public Meeting for a new Sign By-law is expected to be scheduled for late Spring 2006. The proposed illuminated ground sign is in accordance with the type of signs that are currently being considered in the new By-law. The study is recommending the following regulations for this sign type:

- one ground sign is permitted for each frontage on a public street.

- The maximum ground sign area per face is 0.3 times the lot frontage on which the sign is located up to a maximum area of 18 square metres for each
sign face. Based on this, the subject lot frontage would allow a sign area of 8 square metres per face, whereas 4.1 square metres per face is proposed.

- The maximum ground sign height is 3.5 metres for a ground sign less than 4.0 sq.m in area; 6.0 metres height for a ground sign from 4.0 to 6.0 sq.m in area; and 7.5 metres height for a ground sign over 6.0 sq.m in area. The proposed sign area per face is 4.1 square metres, which would permit a maximum sign height of 6.0 metres, whereas a sign height of 4.6 metres is proposed.

- Each ground sign shall display the municipal street address in numerals that are a minimum 15 centimetres in height.

The proposed sign complies with the recommendations being considered for the new Sign By-law, with the exception of the municipal street address (see Appendix “D”). Therefore, staff recommends that the proposed sign should be modified to illustrate the municipal street address at a minimum height of 15 cm. Also, it is being recommended that the sign area of the proposed sign be limited to 4.1 square metres per face and the maximum height of the proposed sign be limited to 4.6 metres, as per the specifications submitted by the applicant.

The draft Sign By-law regulations are considering a maximum of 30% of the permitted area of the sign face of a ground sign to contain changeable messages. The total sign area proposed for the electronic component of the ground sign for changing messages is 2.48 square metres per face, which represents 61% of the total sign face (4.1 square metres). This is double the maximum recommended 30%. Accordingly, staff recommends that the proposed sign be modified to ensure that a maximum sign face of 30% is assigned for changing messages. Therefore, the proposed 40” x 96” LED sign box, as illustrated on Appendix D, should be modified to ensure that the LED portion of the sign does not exceed 30% of the sign face.

The Study also is recommending that the intensity of illumination of electronic characters within the read-o-graph portion of a ground sign must be at a constant level, and the message must be displayed for a minimum of 5 seconds, and cannot be a continuously scrolling or chase message. The timing between changing messages should be minimal in order to ensure that the drivers of motor vehicles are not distracted by these messages as it could potentially affect road safety. Consequently, the recommended zoning includes a provision to reflect these sign study recommendations.

The applicant has indicated that the proposed illuminated ground sign is to be located 2.13 metres from the westerly side lot line and 0.3048 metres from the front lot line. Traffic Engineering staff have no concerns with the proposal. As a result, there are no visibility or sightline issues associated with the proposed ground sign. The Sign By-law study does not recommend any minimum setbacks for these types of signs.
ALTERNATIVES FOR CONSIDERATION:

If the application is denied, then the applicant has the option of using the property for the current range of uses permitted in the “G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in Zoning.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The proposal is consistent with the principles and policies of the Provincial Policy Statement (PPS).

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. As the nature of the application is to allow for an additional commercial use within the existing building and on-site signage on the subject lands, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Commercial” on Schedule “A” – Land Use Concept. The following policies of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

“2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

i) “Ribbon” Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area.”
2.2.15 Council recognizes EXTENDED COMMERCIAL areas as viable forms of Commercial development that satisfy the needs of certain businesses for visibility and accessibility."

Based on the foregoing, the proposal complies with the “Commercial” policies of the Hamilton Official Plan.

Ainslie Wood Westdale Secondary Plan

The subject property is designated “Mixed Use” in the Ainslie Wood Westdale Secondary Plan. The following policies, among others, are applicable to the proposed development:

“6.4.5 (i) Mixed Use areas permit residential, commercial, or institutional, either as a stand alone development or in a mixed use building.

(ii) These Mixed Use areas will be located, as identified on Schedule N-1, along portions of arterial and collector roads, namely Main Street West, King Street West, and in other areas.

(viii) Provision of sufficient parking to accommodate both residential and commercial uses will be required for the Mixed Use Areas. Shared use parking should be considered where appropriate.”

Based on the foregoing, the proposal complies with the “Mixed Use” policies of the Ainslie Wood Westdale Secondary Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Traffic Engineering and Operations Section, Public Works Department.
- Revenues Division, Corporate Services Department.
- Budget and Fiscal Policy Services, Corporate Services Department.
- Hamilton Hydro Inc.

Public Consultation

In accordance with the new Public Participation policy that was approved by Council on May 29, 2003, it was determined by the Manager, Development Planning, in consultation with the Ward Councillor, that preliminary circulation was not required since this application is to add one use and a sign as a special provision to an existing non-residential category. Notice of this application will be sent to all property owners within 120 metres of the property and by a sign posted on the property.
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
Arts, culture, archeological and cultural heritage are supported and enhanced.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
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

:OQ
Attachs. (4)
WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 06- of the Planning and Economic Development Committee at its meeting held on the day of , 2006 recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The “G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified, contained in Section 13 of Zoning By-law No. 6593, as amended by By-law No. 96-109, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”, are further amended to the extent of the following special requirements:

   (a) That notwithstanding the provisions of Section 13 (1) of Zoning By-law No. 6593, the following additional commercial uses shall be permitted:

      (i) A dance studio;

      (ii) An illuminated ground pylon sign that complies with the following requirements:

         1. A maximum of one sign shall be permitted within the front yard.

         2. No sign shall exceed 4.6 metres in height.

         3. Maximum sign face of 4.1 square metres per side.

         4. A sign shall provide the municipal street address at a minimum height of 15 centimetres on each sign face.

         5. Maximum 30% of the sign area per side may be used for changeable messages.

         6. The intensity of illumination of electronic characters within the read-o-graph portion of the sign shall be at a constant level and the message shall be displayed for a minimum of 5 seconds and cannot be a continuous scroll or chase message.

   (b) That notwithstanding the provisions of Section 13 (9) (i) of Zoning By-law No. 6593, no planting strip shall be required along the rear lot line.

2. 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 “G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified, provisions, subject to the special requirements referred to in Section 1.

3. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1361a.
4. Sheet No. W-33 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1361a.

5. 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 , 2006.

________________________________________  __________________________________________
MAYOR                                      CLERK

ZAR-05-110
Appendix "B" to Report PED06075 (Page 4 of 4)

This is Schedule "A" to By-Law No. 06—

Passed the __________ day of __________, 2006

Clerk

Mayor

Schedule "A"

Map Forming Part of By-Law No. 06— to Amend By-Law No. 6593

Subject Property
1092 Main Street West (Hamilton)

Change in Zoning from the existing "G/S-1361" (Neighbourhood Shopping Centre, etc.) District, Modified, to the "G/S-1361" (Neighbourhood Shopping Centre, etc.) District, Modified.

Planning and Economic Development Department
Hamilton

Scale: Not to Scale

File Name/Number: ZAR-05-110

Data: November 2005

Planner/Technician: OQ/LM

T&C File Name:
1092 Main St. Pylon Sign
A—Is Illuminated Sign Box, B—Is 2 Line LED Sign Box
C—Is Illuminated Sign Pole
Location—Sign box is 7' from the west property line and 4'7” from the front of building and 1’ from the south property line.