SUBJECT: Application for a Modification in Zoning for Lands Located at 186 Ferguson Avenue North and 201 Robert Street (Hamilton) (PED08010) (Ward 1)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-07-051, 1201159 Ontario Limited, owner, for a further modification to the “H-‘H’/S-1569” (Community Shopping and Commercial etc. – Holding) District, Modified, to allow for drive through facilities, in addition to the existing range of permitted uses for the lands located at 186 Ferguson Avenue North and 201 Robert Street, Hamilton, as shown on Appendix “A” to Report PED08010, on the following basis:

(a) That the subject lands be rezoned from the “H-‘H’/S-1569” Community Shopping and Commercial etc. – Holding) District, Modified, to the “H-‘H’/S-1569a” (Community Shopping and Commercial etc. – Holding) District, Modified.

(b) That the Draft By-law, attached as Appendix “B” to Report PED08010, 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 and City of Hamilton Official Plans.

Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the application is to further amend the site-specific zoning on the subject lands in order to remove drive-through facilities from the list of prohibited uses, and to add drive-through facilities to the existing range of permitted commercial uses (Appendix “A”).

The application for rezoning is consistent with the Ontario Municipal Board (OMB) Order No. 2191, issued on August 3, 2007, in connection with modifications to the Setting Sail Secondary Plan (Appendix “C”).

The proposal has merit and can be supported since the modification in zoning is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Setting Sail Secondary Plan for the West Harbour, as modified by the OMB. The proposal is compatible with the existing and planned development in the neighbourhood.

**BACKGROUND:**

**Proposal**

The applicant has applied to modify the zoning of the subject lands, known as 186 Ferguson Avenue North and 201 Robert Street (see Appendix “A”), to permit drive-through facilities on the subject lands in addition to the existing range of permitted uses under the “H-‘H’/S-1569” (Community Shopping and Commercial etc. – Holding) District, Modified.

The modifications to the existing “H-‘H’/S-1569” (Community Shopping and Commercial etc. – Holding) District, Modified, that would result from approval of this Zoning Application are:

- The removal of a “Drive-Through Facility” from the list of prohibited uses, from Section 6.3 on Page 8 of Appendix “D”; and,
• The addition of a “Drive-Through Facility” to the list of permitted uses in Section 6.2 on Page 7 of Appendix “D”.

The addition of this use is discussed in detail in the Analysis/Rational Section of this Report.

**By-law No. 07-026**

By-law No. 07-026 (Appendix “D”), passed on January 24, 2007, amended City of Hamilton Zoning By-law 6593 by changing the zoning for the properties located at 166 and 186 Ferguson Avenue North and 201 Robert Street from the “CR-2” (Commercial – Residential) District, Modified, and “DE-2” (Multiple Dwellings) District, Modified, to the “H”–’H’ (Community Shopping and Commercial, etc – Holding) District, Modified; and from the “JJ” (Restricted Light Industrial) District, Modified, and “DE-2” (Multiple Dwellings) District, Modified, to the “DE-2” – ‘H’ (Multiple Dwellings – Holding) District, Modified. These zone changes allow for mixed-use commercial and residential development to take place on the lands.

The amending By-law placed an ‘H’ Holding provision on the subject lands prohibiting residential, institutional and day nursery development until a Record of Site Condition has been submitted verifying that the lands are clean to a standard for residential or institutional use. Additionally, the ‘H’ provision prohibits development on Blocks 2, 3, and 4 (Page 14 - Appendix “D”) until such time as construction has commenced, to the satisfaction of the Director of Development and Real Estate on the lands within Block 1 (Page 14 - Appendix “D”) for at least two buildings each having a minimum width of 15 metres or one building having a minimum width of 30 metres.

**Setting Sail Secondary Plan Appeal and Ontario Municipal Board (OMB) Decision No. 2191.**

The Setting Sail Secondary Plan for West Harbour (Official Plan Amendment No. 198) was approved by City Council on March 23, 2005, and was the subject of several appeals to the Ontario Municipal Board. To date, all of the appeals have not been dealt with and, therefore, OPA 198 remains a Council approved document, but is not in full force and effect.

An OMB hearing was held to consider a settlement of the appeal filed by one of the appellants, the TDL Group Corp. Immediately following the hearing, an oral decision was delivered on July 19, 2007, ordering that the appeal of the TDL Group Corp. be allowed in part. Pursuant to this oral decision, a partial order of the board (OMB Order No. 2191 issued August 3, 2007 - Appendix “C”) was issued, under which new policies were added to the Official Plan Amendment to clarify areas where the prohibition to various drive-through facilities is to apply. The effect of this order is to permit drive-through facilities on the subject lands.
Details of Submitted Application

Owner: 1201159 Ontario Limited

Location: 186 Ferguson Avenue North and 201 Robert Street

Description: Frontage: 120 metres  
Depth: 230 metres (irregular)  
Area: 2.47 hectares

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial - Storage</td>
<td>“H-‘H’/S-1569” (Community Shopping and Commercial, etc. – Holding) District, Modified</td>
<td></td>
</tr>
</tbody>
</table>

Surrounding Lands

North
Vacant Industrial, Commercial and Residential  
“K” (Heavy Industry, etc.) District, “K/S-1077” (Heavy Industry, etc.) District, Modified and “K/S-1077a” (Heavy Industry, etc.) District, Modified

East
Industrial and Residential  
“H” (Community Shopping and Commercial, etc.) District, “H/S-1259” (Community Shopping and Commercial, etc.) District, Modified, and “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District

South
Residential and Commercial  
“JJ/S-378” (Restricted Light Industrial) District, Modified, and “DE-2-‘H’/S1569” (Community Shopping and Commercial, etc. - Holding) District, Modified
ANALYSIS/RATIONALE:

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

   (i) It is consistent with the Provincial Policy Statement.

   (ii) It conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.


2. One of the appeals of OPA 198 (Setting Sail Secondary Plan for West Harbour) relates to the prohibition of drive-through facilities. The purpose of the subject application is to modify the existing zoning to add a “drive-through facility” as an additional permitted use on the subject lands.

   Attachment 1 to Ontario Municipal Board Order No. 2191 (Appendix C) provided policies to clarify types of drive-through uses that are to be permitted and specific policies identifying the areas in which they may be located (see Policies Affecting Proposal – Setting Sail Secondary Plan Section of this report for further clarification on the policies). The subject property is not located on any of the areas identified in the policies as modified by the Ontario Municipal Board. The removal of the prohibition of “drive-through facilities” on the subject lands provides for land uses that will be compatible and appropriate for the area.

3. Abutting residential uses will be adequately buffered from adverse impacts of a drive-through facility, as the existing zoning requires a minimum yard of 6.0m and a visual barrier along any lot line abutting a residential zone. The specific details and layout will be dealt with through the Site Plan Approval process.

4. There is an existing combined sewer and watermain on Ferguson Avenue North, Cathcart Street, Robert Street and Barton Street East to service the site directly. Additionally, there is a combined sewer running north of Cathcart Street to Barton Street East located in an easement over private property within the subject lands.
5. At the time of development, the applicant should be aware that due to the existing trees on the site a Tree Management Plan will be required to be submitted, to the satisfaction of the City of Hamilton.

6. The applicant should be aware that at the Site Plan Approval stage they may be required to demonstrate how traffic will impact the surrounding area and, as conditions of Site Plan approval, a Traffic Impact Study and/or Traffic Safety Audit may be required to be submitted and approved, to the satisfaction of the City of Hamilton.

7. The application was pre-circulated to 405 property owners within 120 metres of the subject lands. Four phone calls were received with respect to this application as part of the pre-circulation. The phone calls received were for clarification and explanation of the application. No issues were raised with respect to the addition of a drive-through facility as a permitted use on the subject lands.

ALTERNATIVES FOR CONSIDERATION:

If the application is denied, the applicant has the option of using the property for the current range of “H-H” Community Shopping and Commercial, etc. – Holding) District, Modified, uses.

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 application has been reviewed with respect to the Provincial Policy Statement (PPS) and is consistent with Policy 1.1.3.1, which pertains to focusing growth in settlement areas.

However, Policy 1.1.1(c) outlines that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns.
Furthermore, Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site associated with the proposed use such that there will be no adverse effects. However, staff notes that the subject lands are under an ‘H’ Holding Provision subject to the submission and clearance of a Record of Site Condition (RSC) by the Ministry of the Environment (MOE) and the City of Hamilton, as per By-law 07-026. Staff, therefore, have no further comments or concerns with respect to potential contamination.

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants and minimize the risk to public health and safety. As the subject rezoning application is to allow for the use of a drive through facility, staff notes that a noise assessment will be required during the Site Plan Approval process in order to address the surrounding residential dwellings adjacent to the subject lands.

**Hamilton-Wentworth Official Plan**

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states that a wide range of urban uses, based on full municipal services, will be concentrated in Urban Areas.

However, Policy B-2.3 states that the identification of contaminated sites is essential. Redevelopment must not occur until it has been demonstrated that a proposal will not put people at significant risk. As mentioned with respect to the Provincial Policy Statement, staff notes that there is an ‘H’ Holding Provision on the subject lands conditional upon the submission and clearance of a Record of Site Condition by the Ministry of the Environment and the City of Hamilton. Staff, therefore, has no further concerns or comments with regard to potential contamination.

Therefore, as the nature of the application is to amend the Zoning By-law to allow for the inclusion of “drive-through facilities” as a permitted use, the proposal conforms to the Hamilton-Wentworth Official Plan policies.

**City of Hamilton Official Plan**

The subject property is designated as “Central Policy Area” and “Special Policy Area 3” within the Hamilton Official Plan. The following policies of the City of Hamilton Official Plan, among others, are applicable to the application:

```
2.8.1 To promote the CENTRAL POLICY AREA as a multi-use node for both the City and the Region, a wide range of uses will be permitted where compatibility among adjacent uses can be achieved. The primary uses permitted in the CENTRAL POLICY AREA, as shown on Schedule “A”, will be for the following uses:
```
i) Commercial Uses such as, but not limited to, retail department stores; food, specialty and general merchandising establishments; personal services; head and branch offices and public administration offices; hotels; mixed commercial and residential uses; and in keeping with the Commercial policies set out in Subsection A.2.2 of this Plan;

ii) Residential Uses of various housing types, including, but not limited to, single-family detached, semi-detached, townhouses and apartments, and in keeping with the Residential policies set out primarily in Subsection A.2.9.3, as well as in Subsections A.2.1 and C.7 of this Plan;

2.9.3.1 The future viability and health of the Central Policy Area will be largely dependent on the quality and suitability of Residential opportunities in close proximity to the downtown. Accordingly, the following policies to promote and protect housing within the area shown as SPECIAL POLICY AREA 3 on Schedule “B” will apply in addition to all Residential policies of Subsections A.2.1 and C.7, and Policy A.2.8.1 (ii);

i) It is the intent of Council to strengthen the Residential function of this AREA to complement the multi-use nature of the Central Policy Area, to foster a wider choice in housing opportunities for all residents of the City, and to increase the resident population;

v) It is intended that Residential development and redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses; and,

vii) Council will encourage mixed Commercial/Residential developments or redevelopments within the Central Policy Area and commercial areas of SPECIAL Policy Area 3, subject to the General Provisions of Subsection A.2.2."

As the application is to add “Drive-Through Facilities” to the range of commercial and residential uses permitted by the site-specific zoning on the subject lands, it conforms to the policies of the City of Hamilton Official Plan.

Setting Sail Secondary Plan

The Setting Sail Secondary Plan (OPA 198) was approved by Council on March 23, 2005, and is currently under appeal. On August 3, 2007, the OMB issued an Order (No. 2191), which approved a settlement of an appeal filed by the TDL Group respecting the prohibition on drive-through uses. The subject lands are designated “Mixed-Use” on Schedule M-2: General Land Use, which permits stand-alone residential development or a mix of commercial and residential development. A wide range of commercial and
community uses are permitted. The following policies, among others, will apply to the subject lands once the Plan comes into full force and effect:

“A.6.3.3.1.17  In Mixed Use Areas:

ii) the range of commercial uses permitted on the ground floor shall include retail stores, restaurants, take-out restaurants, business and personal services, and professional offices;

vi) buildings generally shall be built close to or at the front property line, subject to the development satisfying sightline requirements entering the public road allowance;

ix) parking areas shall be provided at the rear of sites, underground and/or in above-grade structures behind buildings, with access from public streets or laneways;

x) above grade parking structures shall be located within buildings and fronted by street-related commercial community and/or residential uses; and,

xi) front yard parking shall not be permitted.

A.6.3.3.1.19 iii) auto-oriented commercial uses, such as gas stations and auto repair garages are not permitted. For greater clarity, this policy does not prohibit drive-through restaurants.

A.6.3.3.1.25 In addition to the Land Use Policies of this plan, the following policy shall apply:

Auto-oriented commercial uses such as gas stations, auto repair garages, other drive-through services including but not limited to drive-through restaurants, or other uses normally classified as highway commercial will not be permitted in the following areas:

I) Properties that front or flank along James Street North, including the proposed James Street Pier;

II) Properties designated “Prime Retail Streets” on Barton Street and Pier 8;

III) The southwest corner of MacNab Street North and Stuart Street (land designated “Local Commercial”);
IV) The southwest corner of Bay and Barton Streets (land designated “Local Commercial”); and,

V) The southeast corner of Barton and Oxford Streets (land designated “Local Commercial”).

A.6.3.3.1.26 Further to policies in A.6.3.3.1.19 and A.6.3.3.1.25, this policy will clarify that no auto-oriented commercial uses such as gas stations, auto repair garages, other drive-through services, including but not limited to, drive-through restaurants or other uses normally classified as highway commercial, shall be permitted in the area bounded by Wellington Street North on the east, Strachan Street East and West on the south and Hamilton Harbour on the west and north.”

Therefore, as the subject lands do not fall within the areas prohibited from containing “Drive-Through Facilities”, the application complies with the land use policies of the Setting Sail Secondary Plan for the West Harbour, as modified by the OMB.

**RELEVANT CONSULTATION:**

The following Departments/Agencies had no comments or objections:

- Horizon Utilities
- Bell Canada
- Hamilton Conservation Authority
- Hamilton Municipal Parking Authority
- Municipal Property Assessment Corporation
- Union Gas Limited
- Mountain Cable Vision
- Cogeco Cable Canada Inc.
- Source Cable Wireless
- Hydro One Networks Inc.
- Ministry of the Environment
- Transit Division
- Taxation
- Strategic and Environmental Planning
- Zoning-By-law Reform

**Community Traffic Services, Traffic Engineering and Operations Section** had the following comments:

Community Traffic Services would like the applicant to be aware that access to the Local Commercial Area will be permitted from Barton Street and from Ferguson Avenue, and delivery truck access will be permitted only from Barton Street.
The applicant/owner should be advised that at the Development Application stage for the subject lands, the Traffic Engineering & Operations Section may require as a condition of approval that the applicant obtain the services of a Transportation Engineering Consultant to complete a Traffic Impact Study and/or Traffic Safety Audit. The study would include:

- Trip generation for the site.
- Trip distribution.
- Level of service calculations for the accesses at the municipal roadways.
- Level of service calculations for the intersection of Barton Street and Ferguson Avenue (including turning lane requirements and design specifications on either Barton Street or Ferguson Avenue).
- On site manoeuvring/queuing.

The applicant should note that depending on the size of the proposed development, that a Traffic Impact Study will be required in accordance with the West Harbour Secondary Plan.

Ferguson Avenue and Barton Street are designated as on street bicycle routes.

**Urban Forestry Planning and Protection, Operations and Maintenance Division**, had the following comments:

Urban Forestry has identified potential Municipal Urban Forestry conflicts being, one Municipal tree {Asset 172820} located on the road allowance of Barton Street, and 35 trees {Assets 172785 to 172819} located in the boulevard on Ferguson Avenue North. These trees are located on the Municipal Property of 201 Robert Street. While the Forestry and Horticulture Section does not challenge the application, the applicant should be aware that trees be identified on any future development applications or plans, and that a Tree Management Plan be submitted at that time so that a final determination of construction impact can be made.

**Budgets and Finance, Corporate Services Department**, had the following comments:

That the owner/applicant be aware of the annual amount of $7,719.47 for roadway local improvement charges, expiring December 31, 2011.
Public Consultation

In accordance with Council’s Public Participation Policy, this application was pre-circulated to 405 property owners within 120 metres of the subject lands. In addition, a Public Notice sign was posted on the property.

Four phone calls were received as a result of the preliminary circulation requesting clarification on the proposal. No concerns were raised with respect to the application.

Notice of the Public Meeting for this re-zoning application will be circulated to property owners within 120 metres of the subject lands and through a sign posted on the property in accordance with the regulations of the Planning Act.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

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

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

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

:LB
Attachs. (4)
Change in zoning from the "H-'H'/S-1569" (Community Shopping and Commercial, etc. – Holding) District, Modified to the "H-'H'/S-1569a" (Community Shopping and Commercial, etc. – Holding) District, Modified.
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 Section _____ of Report of the Economic Development and Planning Committee at its meeting held on the day of _____, 2008, recommended that Zoning By-law 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. Sheet No. E-3 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing from the “H-‘H’/S-1569” (Community Shopping and Commercial, etc. - Holding) District, Modified, to the “H-‘H’/S-1569a” (Community Shopping and Commercial, etc. - Holding) District, Modified, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. The “H” (Community Shopping and Commercial, etc.) District, regulations as contained in Section 14 of Zoning By-law No. 6593, as amended by By-law 07-026, applicable to the subject lands be further modified as follows:

   (a) That Section 6.2 PERMITTED USES of By-law No. 07-026 is amended by adding “Drive-Through Facility” to the list of permitted uses; and,

   (b) That Section 6.3 PROHIBITED USES of By-law No. 07-026 is amended by deleting “Drive-Through Facility” therefrom.

3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “H-‘H’/S-1569” (Community Shopping and Commercial, etc. - Holding) District, Modified, provisions, subject to the special requirements in section 2 of this By-law.

4. Sheet No. E-3 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1569a.

5. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1569a.

6. 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 [date] day of [date], 2008.

________________________________________  _______________________________________
Fred Eisenberger                             Kevin C. Christenson
Mayor                                      Clerk

ZAR-07-051
This is Schedule "A" to By-Law No. 08-
Passed the ........ day of .................., 2008

Clerk

Mayor

Schedule "A"

Map Forming Part of By-Law No. 08-____
to Amend By-law No. 6593

Subject Lands
Change in zoning from the "H-'H'/S-1569" (Community Shopping and Commercial, etc. – Holding) District, Modified to the "H-'H'/S-1569a" (Community Shopping and Commercial, etc. – Holding) District, Modified.
Appendix “C” to Report PED08010
(Page 1 of 4)

Ontario Municipal Board
Commission des affaires municipales de l'Ontario

Harbour West Neighbours Inc., Michael Poworoznyk, Shawn Selway and John Mattinson have appealed to the Ontario Municipal Board under subsection 17(24) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Hamilton to approve Proposed Amendment No. 23 to the (former) Regional Official Plan for the City of Hamilton Approval Authority File No. ROPA No. 23
OMB File No. O050065

The TDL Group Corp., the Harbour West Neighbours Inc., the Canadian National Railway, 687224 Ontario Inc. et al. have appealed to the Ontario Municipal Board under subsection 17(24) of the Planning Act, R.S.O. 1990, c. P.13, as amended, from a decision of the City of Hamilton to approve Proposed Amendment No. 198 to the Official Plan for the City of Hamilton Approval Authority File No. OPA No. 198
OMB File No. O050066

Rheem Canada Ltd., the Harbour West Neighbours Inc., the Canadian National Railway, 687224 Ontario Inc. et al. have appealed to the Ontario Municipal Board under subsection 34(19) of the Planning Act, R.S.O. 1990, c. P.13, as amended, against Zoning By-law 05-073 of the City of Hamilton
OMB File No. R050077

APPEARANCES:

<table>
<thead>
<tr>
<th>Parties</th>
<th>Counsel</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Hamilton</td>
<td>A. Zuidema</td>
</tr>
<tr>
<td>TDL Group Corp.</td>
<td>S. Makuch</td>
</tr>
</tbody>
</table>

MEMORANDUM OF ORAL DECISION DELIVERED BY J.P. ATCHESON
ON JULY 19, 2007 AND PARTIAL ORDER OF THE BOARD

The purpose of this hearing is to consider a settlement of the appeal filed by the TDL Group Corp. to the OPA 198, a Secondary Plan for the West Harbour Area of the City of Hamilton. The appeal filed by The TDL Group Corp. was very specific in that it appealed only Section A.6.3.3.1.19 (Local Commercial Areas), and, in particular, the prohibition found in this part of the Secondary Plan to prohibit drive-through uses.
The Board heard from Ms Cyndi Rottenberg-Walker, a qualified land use planner whose firm was retained by the City to develop the Secondary Plan for the area.

She reviewed for the Board the character and purpose of the Secondary Plan, noting that the area was a mixed-use area with a significant part of the planning area dealing with the waterfront. She notes as well that the area is a built-up area of Hamilton with many heritage areas, while other parts of this area are undergoing redevelopment.

She points out in her evidence that the proposed secondary plan has developed urban design standards to ensure and promote the healthy redevelopment of the harbour area, while maintaining and strengthening the existing well-established residential neighbours found in the area. She notes that particular attention has been given to urban design issues associated with the major street corridors that run the area.

She then reviewed the settlement found in Exhibit 3. It was her evidence that the proposed changes found in Exhibit 3 provided greater clarity to the urban design goals set out in the secondary plan and, in her opinion, are an improvement over the policies currently found in the plan.

She pointed out to the Board that a new Section A.6.3.3.1.26 has been added to the plan, at the request of the appellant represented by Mr. Turkstra, to provide greater clarity in identifying the areas where the prohibition to various drive-through facilities is to apply.

The Board notes that in Exhibit 7, Mr. Turkstra, on behalf of his client, indicated that they have no objections to the wording found in the settlement document Exhibit 3.

Ms Rottenberg-Walker concluded her evidence by advising the Board that in her opinion, the proposed changes found in Exhibit 3 were an improvement to OPA 188, represented good planning for this part of Hamilton, and should be approved.

The Board then heard from Mark Bodrug, a qualified land use planner employed by The TDL Group Corp. He endorses the evidence of Ms Rottenberg-Walker and
advised the Board that The TDL Group Corp. is in full support of the modifications to OPA 198, as found in Exhibit 3.

The Board notes that no other parties or individuals were present.

The Board, after considering the evidence filed and the submission made, is satisfied that the settlement reached is an improvement over the existing policy directions found in OPA 198 and that this Official Plan Amendment should be amended as set out in Exhibit 3.

The Board notes that there are still outstanding appeals with respect to Official Plan Amendment 198 and as such, the Board will withhold its order as it relates to The TDL Group Corp. appeal and settlement until all of the other matters under appeal have been determined.

The Board commends the parties for their efforts in finding a settlement of this appeal.

Accordingly, and for the reason outlined in this decision:

THE BOARD ORDERS that the appeal of The TDL Group Corp. is allowed in part, and Official Plan Amendment 198 to the Official Plan of the City of Hamilton is modified, as set out in Attachment 1 to this decision, and as modified, is approved.

The Board will withhold its final Order in this matter pending the final disposition of the other matters still under appeal.

The Board may be spoken to should problems arise.

“J.P. ATCHESON”

J.P. ATCHESON
MEMBER
ATTACHMENT 1

Proposed Policy Changes
Setting Sail: West Harbour Secondary Plan
OMB File No. PL030754
July 19, 2007

A.6.3.3.1.19

iii) auto-oriented commercial uses, such as gas stations and auto repair garages are not permitted. For greater clarity, this policy does not prohibit drive-through restaurants.

A.6.3.3.1.25

In addition to the Land Use Policies of this plan, the following policy shall apply:

Auto-oriented commercial uses such as gas stations, auto repair garages, other drive-through services including but not limited to drive-through restaurants, or other uses normally classified as highway commercial will not be permitted in the following areas:

i) Properties that front or flank along James Street North, including the proposed James Street Pier;

ii) Properties designated "Prime Retail Streets" on Barton Street and Pier 8;

iii) The southwest corner of MacNab Street North and Stuart Street (land designated "Local Commercial");

iv) The southwest corner of Bay and Barton Streets (land designated "Local Commercial"); and

v) The southeast corner of Barton and Oxford Streets (land designated "Local Commercial").

A.6.3.3.1.26

Further to policies in A.6.3.3.1.19 and A.6.3.3.1.25, this policy will clarify that no auto-oriented commercial uses such as gas stations, auto repair garages, other drive-through services including but not limited to drive-through restaurants, or other uses normally classified as highway commercial shall be permitted in the area bounded by Wellington Street North on the east, Strachan Street East and West on the south and Hamilton Harbour on the west and north.
Appendix "D" to Report PED08010
Page 1 of 14

Author: Item 18, Economic Development and Planning Committee
       Report 07-001(PED07002)
       CM: January 24, 2007

Bill No. 026

CITY OF HAMILTON

BY-LAW NO. 07-026

To Amend Zoning By-law No. 6593
Respecting a Portion of the Property Located at 168 and 186 Ferguson Avenue
North and 201 Robert Street

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
repeated 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 18 of Report 07-
001 of the Economic Development and Planning Committee at its meeting held on the
24th day of January, 2007, 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:
By-law Respecting a Portion of 166 and 186 Ferguson Avenue North and 201 Robert Street

1. That Sheet No. E-3 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended:

   (a) by changing the zoning from the "CR-2" (Commercial – Residential) District, Modified, to the "H" – "H" (Community Shopping and Commercial, etc. - Holding) District, Modified, for the lands comprised of Blocks "1" and "2";

   (b) by changing the zoning from the "DE-2" (Multiple Dwellings) District, Modified, to the "H" – "H" (Community Shopping and Commercial, etc. - Holding) District, Modified, for the lands comprised of Block "3";

   (c) by changing the zoning from the "JJ" (Restricted Light Industrial) District, Modified, to the "H" – "H" (Community Shopping and Commercial, etc. - Holding) District, Modified, for the lands comprised of Block "4";

   (d) by changing the zoning from the "JJ" (Restricted Light Industrial) District, Modified, to the "DE-2" – "H" (Multiple Dwellings - Holding) District, Modified, for the lands comprised of Block "5";

   (e) by changing the zoning from the "DE-2" (Multiple Dwellings) District, Modified to the "DE-2" – "H" (Multiple Dwellings - Holding) District, Modified, for the lands comprised of Block "6"; and,

   (f) by changing the zoning from the "JJ" (Restricted Light Industrial) District, Modified, to the "DE-2" – "H" (Multiple Dwellings - Holding) District, Modified, for the lands comprised of Block "7";

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the 'H' symbol, applicable to the lands referred to as Blocks "1" to "7", inclusive, in Section 1 of this By-law will prohibit all residential, institutional, and day nursery uses until such time that:

   i) The applicant submits a signed Record of Site Condition (RSC) to the City of Hamilton, Director of Development and Real Estate, and the Ministry of the Environment (MOE), verifying that the lands have been cleaned-up to a standard for residential or institutional land use, as defined by the MOE. This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE.

   City Council may remove the 'H' symbol and, thereby give effect to the "H" (Community Shopping and Commercial etc.) District, Modified for Blocks "1" to
By-law Respecting a Portion of 166 and 186 Ferguson Avenue North and 201 Robert Street

"4", inclusive, and the "DE-2" (Multiple Dwellings) District, Modified for Blocks "5" to "7", inclusive, as amended by the special requirements of Sections 4 to 8, inclusive, as stipulated in this By-law, by enactment of an amending By-law once the above condition has been fulfilled.

3. That in addition to Section 2 of this By-law, the 'H' symbol, applicable to the lands referred to as Blocks "2" to "4", inclusive, as referred in Section 1 of this By-law will prohibit all uses until such time that:

   (i) That construction has commenced on the lands within Block "1", as referred to in Section 1 of this By-law, for at least two (2) buildings each having a minimum width of 15 metres, or for one (1) building having a minimum width of 30 metres, to the satisfaction of the City of Hamilton, Director of Development and Real Estate.

City Council may remove the 'H' symbol and, thereby give effect to the "H" (Community Shopping and Commercial etc.) District, Modified for Blocks "2" to "4", inclusive, as amended by the special requirements of Sections 4 to 6, inclusive, by enactment of an amending By-law once the above condition has been fulfilled.

4. That notwithstanding Subsection 2. (2) J. (xxivc) of Zoning By-law No. 6593, the following definition shall apply to the lands referred to as Blocks 1 to 7, inclusive, in Section 1 of this By-law:

   a) Visual Barrier – Shall mean a barrier which shall act as a screen between uses and be constructed to a minimum height of 1.8 metres and shall consist of the following:

      i) a wall, fence; or,

      ii) a continuous planting of suitable trees or shrubs, together with a reserved width of planting area appropriate for healthy plant growth; or,

      iii) earth berms; or,

      iv) any combination of the above.

5. That in addition to the requirements of Section 2 of Zoning By-law No. 6593, the following definitions shall apply to the lands referred to as Blocks 1 to 7, inclusive, in Section 1 of this By-law:
By-law Respecting a Portion of 166 and 186 Ferguson Avenue North and 201 Robert Street

a) Amusement Arcade - Shall mean an establishment containing more than three pinball machines, or other mechanical game machines, or electronic game machines provided for public amusement.

b) Beverage Making Establishment - Shall mean a commercial establishment where individuals produce beverages for personal use and consumption off the premises.

c) Body Rub Parlour - Shall mean a use which includes kneading, manipulating, rubbing, massaging, touching or stimulating, by any means, of a person’s body or part thereof, performed, offered or solicited in pursuance of a trade, calling, business, but shall not include medical or therapeutic treatment given by a person otherwise duly qualified, licensed or registered.

d) Catering Service - Shall mean a use where food and beverages are prepared for consumption off-site, but are not served on the premises or for immediate take-out consumption.

e) Commercial Entertainment - Shall mean a use of an establishment for the general purpose of providing entertainment or amusement for a fee and shall include, for example, but not be limited to cinemas, performing arts theatres, bingo halls, cultural events but shall not include an amusement arcade or adult entertainment parlour.

f) Commercial Recreation – Shall mean the use of an establishment, for a fee, for the provision of athletic and amusement facilities involving the active participation of the user-public in a sports-related activity and shall include but not be limited to such facilities as racquet courts, fitness clubs, billiard parlour, bowling alley, golf course, driving range, skating or curling surfaces, riding stables, water sports, go-kart track or amusement parks, but shall not include an amusement arcade.

g) Conference or Convention Centre - Shall mean an establishment, which is not a hotel, where facilities are provided for meetings, seminars, workshops and other similar activities including an exhibition facility, all which may include dining facilities for the exclusive use of conference or convention participants.

h) Craftsperson Shop - Shall mean an establishment used for the creation, finishing, refinishing or similar production of custom or hand-made commodities, together with the retailing of such commodities.

i) Drive-Through Facility - Shall mean a facility that is designed to allow drivers to remain in their vehicles before and during an activity on the site,
By-law Respecting a Portion of 166 and 186 Ferguson Avenue North and 201 Robert Street

and may include drive-in or drive-through restaurants, retail and service uses, but shall not include a carwash.

j) Dry Cleaning Plant - Shall mean a building where dry cleaning, dry dyeing, washing or pressing of articles of clothing is conducted.

k) Financial Establishment - Shall mean a use where money is deposited, kept, lent and exchanged, and shall include but not be limited to banks, credit unions, trust companies or other similar banking services.

l) Flankage Yard – Shall mean a yard extending from the front yard to the rear yard of a lot along a lot line which abuts a street measured to the nearest part of a building on the lot.

m) Landscape Architectural Feature – Shall mean a decorative wall feature with a minimum height of 0.6 metres and a maximum height of 1.2 metres which shall be provided for screening purposes, and which may be permitted within a required planting strip, and which shall not be considered a structure.

n) Major Recreational Equipment - Shall mean either a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel, and shall include, for example, motor homes, travel trailers, tent trailers, boats, boat trailers, motorized snow vehicles or other like or similar equipment, excluding bicycles.

o) Medical Clinic - Shall mean a building or part thereof which is used jointly by three or more health professionals for the purpose of consultation, diagnosis and/or treatment of persons. It may include ancillary administrative offices, waiting rooms, treatment rooms, laboratories, dispensaries or other similar facilities but shall not include accommodation for in-patient care or facilities for major surgical practice.

p) Medical Office - Shall mean a building or part thereof in which a maximum of two health professionals provide consultative, diagnostic and treatment services.

q) Office - Shall mean a building or part of a building in which management, clerical, administrative, consulting, advisory or training services are offered or performed but shall not include a medical clinic or medical office.
By-law Respecting a Portion of 166 and 186 Ferguson Avenue North and 201 Robert Street

r) Personal Services - Shall mean the provision of services involving the health, beauty or grooming of a person or the maintenance or cleaning of apparel, but shall not include a Dry Cleaning Plant or a Body Rub Parlour.

s) Private Club or Lodge - Shall mean a building or part of a building used for social, literary, cultural, political, educational or recreational purposes which are operated for the exclusive use of members and their guests and not open to the general public on an equal basis.

t) Repair Service - Shall mean the provision of maintenance or repair services for goods or equipment, excluding motor vehicles and major recreational equipment.

u) Restaurant - Shall mean a building where food and/or drink is prepared and sold for immediate consumption, either on or off site, and which may offer commercial entertainment only if the premises are licensed under the Liquor Licence Act.

v) Retail - Shall mean the sale or rental of goods or materials to the ultimate consumer including "convenience retail" goods, but shall not include a restaurant or the sale or rental of motor vehicles, motor vehicle fuel or major recreational equipment.

w) Social Services Establishment - Shall mean a building in which non-profit services intended to promote and improve the independence, economic self-sufficiency, social and health development of citizens are provided and shall include but not be limited to clerical, administrative, consulting, counselling, office and recreational functions for a non-profit agency but shall not include facilities in which overnight accommodation is provided.

x) Studio - Shall mean an establishment used for the study or instruction of a performing or visual art, such as but not limited to, dancing, singing, acting or modelling, or the workplace with accessory retail, of a painter, sculptor or photographer, or an establishment used for the making or transmission of motion pictures, radio or television programs.

y) Tradespersons Shop - Shall mean a building in which is provided to the public a non-personal service or trade, and shall include but not be limited to, a carpenter's shop, contractor's shop, electrician shop, painter's shop, plumber's shop and other shops that provide an installation service.

z) Veterinary Service - Shall mean a use within a wholly enclosed building or part thereof, where domestic animals or household pets are provided treatment by a veterinarian and may include temporary indoor
accommodation related to treatment and/or recovery and pet grooming but shall not include a kennel.

6. That the "H" (Community Shopping and Commercial etc.) District regulations as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1", "2", "3", and "4", as referred to in Section 1, be modified to the extent that only the following shall apply:

6.1 Subject to the provisions of Sections 2, 3, 18, and 18A, in an "H" District, 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, for other than one or more of the following uses, and uses accessory thereto:

6.2 PERMITTED USES

Beverage Making Establishment
Caterrning Service
Commercial Entertainment
Commercial Recreation
Commercial School
Conference or Convention Centre
Craftsperson Shop
Day Nursery
Dwelling Unit(s)
Emergency Shelter
Financial Establishment
Funeral Home
Hotel
Laboratory
Lodging House
Long Term Care Facility
Medical Clinic
Medical Office
Multiple Dwelling
Office
Personal Services
Place of Worship
Printing Establishment
Private Club or Lodge
Repair Service
Residential Care Facility
Restaurant
Retail
By-law Respecting a Portion of 166 and 186 Ferguson Avenue North and 201 Robert Street

Page 8 of 14

Appendix “D” to Report PED08010

6.3 PROHIBITED USES

Drive Through Facility
Dry Cleaning Plant

6.4 REGULATIONS

a) Maximum Yard Abutting Barton Street

i) 2.0 metres, except this maximum may be exceeded to accommodate a visibility triangle required to be provided for a driveway access.

ii) Notwithstanding Subsection i) above, for any buildings with residential uses within the first storey, 3.0 metres.

b) Minimum Setback for any storey facing Barton Street above the third storey

3.0 metres from the vertical projection of the face of the third storey.

c) Maximum Yard Abutting Ferguson Street

i) 2.0 metres, except this maximum may be exceeded to accommodate a visibility triangle required to be provided for a driveway access.

ii) Notwithstanding Subsection i) above, for any buildings with residential uses within the first storey, 3.0 metres.

d) Minimum Yards

i) 6.0 metres from a lot line abutting a Residential Zone.

ii) 0 metres for all other yards.

e) Maximum Building Height

22 metres

f) Built Form Regulations Facing

All buildings shall have windows with a
By-law Respecting a Portion of 166 and 186 Ferguson Avenue North and 201 Robert Street

Barton Street and Ferguson Avenue maximum sill height of 1.0 metre and a minimum head height of 2.4 metres for a minimum of 25% of the length of the facade facing the street.

g) Visual Barrier A visual barrier shall be required along any lot line abutting a Residential Zone.

h) Location of Parking Area

i) Parking spaces and/or aisles shall not be located within 3.0 metres of a street line.

ii) A permanently maintained planting strip of a minimum width of 3.0 metres shall be provided and maintained between a parking area and a street line, except where a driveway access is located.

iii) A Landscaped Architectural Feature shall be provided and maintained within the planting strip referred to in Subsection ii) above along the entire street line, except for any area occupied by buildings or where a driveway is located.

i) Location of Loading Spaces Shall not be located between any building and a street line.

j) Outdoor Storage No outdoor storage of goods, materials or equipment shall be permitted. This shall not, however, prevent the outdoor display of goods or materials for retail purposes accessory to a principal use.

k) Location of Emergency Shelter and Residential Care Facility

i) Except as provided for in Subsection ii), herein, every Emergency Shelter and Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other
Appendix “D” to Report PED08010
Page 10 of 14

By-law Respecting a Portion of 166 and 186 Ferguson Avenue North and 201 Robert Street

lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.

ii) Where the radial separation distance from the lot line of an Emergency Shelter or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, either of the existing Residential Care Facility or Emergency Shelter may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.

i) Emergency Shelter and Residential Care Facility Capacity

Shall not exceed 20 residents.

That the “DE-2” (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, applicable to Block “5”, be modified to the extent that only the following shall apply:

7.1 Subject to the provisions of Sections 2, 3, 18, and 18A, in an “DE-2” District, 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 for other than one or more of the following uses, and uses accessory thereto:

7.2 PERMITTED USES
Multiple Dwelling
Street Townhouse Dwelling

7.3 REGULATIONS

7.3.1 REGULATIONS FOR MULTIPLE DWELLING
Appendix “D” to Report PED08010  
Page 11 of 14

By-law Respecting a Portion of 166 and 186 Ferguson Avenue North and 201 Robert Street  

Page 11 of 14

a) Maximum Front Yard 3.0 metres  
b) Minimum Interior Side Yard 1.2 metres  
c) Maximum Flankage Yard 3.0 metres  
d) Minimum Rear Yard 6.0 metres  
e) Building Height i) Minimum 11 metres;  
ii) Maximum 18 metres  
f) Minimum Landscaped Area Not less than 10% of the lot area shall be landscaped.  
g) Location of Parking Area Parking within any portion of a front yard shall not be permitted.  
h) Access to Units Vehicular access to individual dwelling units directly from a public street shall not be permitted.  

7.3.2 REGULATIONS FOR STREET TOWNHOUSES  
a) Minimum Lot Area 150 m² for each dwelling unit.  
b) Minimum Unit Width 5.5 metres  
c) Maximum Front Yard 3.0 metres  
d) Minimum Interior Side Yard 1.2 metres, except for the side yard related to the common wall of the street townhouse dwelling unit, in which case a minimum 0 metre side yard shall be permitted.  
e) Maximum Flankage Yard 3.0 metres  
f) Minimum Rear Yard 7.0 metres  
g) Minimum Building Height 11 metres
8. That the “DE-2” (Multiple Dwellings) District regulations as contained in Section 10B of Zoning By-law No. 6593, applicable to Blocks “6” and “7” be modified to the extent that only the following shall apply:

8.1 Subject to the provisions of Sections 2, 3, 18, and 18A, in an “DE-2” District, 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 for other than one or more of the following uses, and uses accessory thereto:

8.2 PERMITTED USE

Multiple Dwelling

8.3 REGULATIONS

a) Maximum Front Yard 3.0 metres, except 6.0 metres for an access driveway to a garage.

b) Minimum Interior Side Yard 1.2 metres

c) Maximum Flankage Yard 3.0 metres

d) Minimum Rear Yard 6.0 metres

e) Building Height
   i) Minimum 15.0 metres;
   ii) Maximum 30.0 metres.

f) Minimum Floor Area Ratio 1.9

g) Minimum Landscaped Area Not less than 10% of the lot area shall be landscaped.

h) Location of Parking Area Parking within any portion of a front yard shall not be permitted.

9. 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
By-law Respecting a Portion of 166 and 186 Ferguson Avenue North and 201 Robert Street

in accordance with the "DE-2" (Multiple Dwellings) District and "H" (Community Shopping and Commercial etc.) District provisions, subject to the special requirements referred to in Sections 4 to 8, inclusive, of this By-law.

10. That By-law No. 6593 (City of Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1569

11. 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 24th day of January, 2007.

[Signatures]

MAYOR

CLERK

ZAC-05-90
Appendix "D" to Report PED08010
Page 14 of 14

By-law Respecting a Portion of 166 and 186 Ferguson Avenue North and 201 Robert Street

This is Schedule "A" to By-Law No. 07-026

Passed the 24th day of January 2007

Schedule "A"

Map Forming Part of By-law No. 07-026

to Amend By-law No. 6593

Subject Property
166 and 186 Ferguson Avenue North and 201 Robert Street

| BLOCK 1: Change in Zoning from "CA-2" (Commercial - Residential) District, to the "Y" (Community Shopping and Commercial) District, Amended. |
| BLOCK 2: Change in Zoning from "CA-2" (Commercial - Residential) District, to the "Y" (Community Shopping and Commercial) District, Amended. |
| BLOCK 3: Change in Zoning from "DE-2" (Multiple Dwelling) District, to the "Y" (Community Shopping and Commercial) District, Amended. |
| BLOCK 4: Change in Zoning from "IU" (Industrial) District, to the "Y" (Community Shopping and Commercial) District, Amended. |
| BLOCK 5: Change in Zoning from "IU" (Industrial) District, to the "Y" (Community Shopping and Commercial) District, Amended. |
| BLOCK 6: Change in Zoning from "DE-2" (Multiple Dwelling) District, to the "Y" (Community Shopping and Commercial) District, Amended. |
| BLOCK 7: Change in Zoning from "IU" (Industrial) District, to the "Y" (Community Shopping and Commercial) District, Amended. |