SUBJECT: Applications to Amend the Stoney Creek Official Plan and for a Change in Zoning for the Property Located at 2247 Rymal Road East (Stoney Creek) (PED07143) (Ward 9)

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-06-27, by New Horizon Homes (c/o Jeff Paikin), applicant, for Official Plan Amendment No.____, to amend Schedule “A”, General Land Use Plan, from “Highway Commercial” to “General Commercial”, and Schedule “A3”, Secondary Plan – West Mountain Planning District, Heritage Green Section, from “Highway Commercial” to “General Commercial”, of the Official Plan for the former City of Stoney Creek, on the lands municipally known as 2247 Rymal Road East, as shown on Appendix “A” to Report PED07143, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED07143, be adopted by City Council.

(b) That approval be given to Zoning Application ZAC-06-101, by New Horizon Homes (c/o Jeff Paikin), applicant, for a change in Zoning from the Highway Commercial (Holding) “HC-3(H)” Zone to the General Commercial “GC-54” Zone, and from the Highway Commercial “HC” Zone to the General Commercial “GC-54” Zone, to permit the development of a free-standing bank and a 2-storey building with retail on the ground floor and offices above, on the lands municipally known as 2247 Rymal Road East (Stoney Creek), shown as Blocks “1” and “2”, respectively, on Schedule “A” of Appendix “C” to Report PED07143, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED07143, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
SUBJECT: Applications to Amend the Stoney Creek Official Plan and for a Change in Zoning for the Property Located at 2247 Rymal Road East (Stoney Creek) (PED07143) (Ward 9) - Page 2 of 11

(ii) That the amending By-law be added to Schedule “A”, Map No. 16, of Zoning By-law No. 3692-92.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan of the City of Stoney Creek upon the approval of Official Plan Amendment No. ___.

(c) That upon finalization of the Official Plan and Zoning By-law Amendment, the Highland Neighbourhood Plan be amended to reflect the changes in land use designation.

____________________________

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of these applications is to permit the development of the subject property for a commercial building with retail on the ground floor and offices on the second floor, as well as a free-standing bank/financial institution with drive-thru (see Appendix “D”). The proposal has merit and can be supported since the changes in designation and zoning are consistent with the Provincial Policy Statement, and they conform to the Hamilton-Wentworth Official Plan. The proposal is considered to be compatible with the surrounding neighbourhood.

BACKGROUND:

Zoning Application 075-1355

On June 13, 1989, Stoney Creek Council approved By-law No.’s 2879-89 and 2880-89, to rezone the subject lands from the Existing Residential “ER” Zone to the Highway Commercial “HC” and Highway Commercial (Holding) “HC(H)” Zones to permit a gas bar, kiosk and automobile service bay on the “HC” portion, and an automobile parts store, hotel, motel and/or restaurant on the “HC(H)” portion. The conditions requiring clearance prior to lifting of the Holding (H) included the availability of piped water and sanitary sewers to service the site; a Traffic Report, if required, submitted for approval by the Ministry of Transportation; details of any proposed storm drainage works approved by the City Engineer and Ministry of Transportation; and, a Development Agreement was into with the City.
Proposal

The applicant has applied to change the Official Plan designation from "Highway Commercial" to "General Commercial" on the lands known as 2247 Rymal Road East, Stoney Creek (see Appendix “A”). The applicant has also applied to change the zoning of the subject lands from the Highway Commercial “HC” and Highway Commercial (Holding) “HC-3(H)” Zones to a site-specific General Commercial “GC-54” Zone in order to permit the development of a 2-storey, 3,192 square metre commercial building with multiple tenants (retail on the ground floor with offices on the second floor), and a free-standing, 1-storey, 372 square metre bank/financial institution with drive-thru. A total of 119 parking spaces are proposed (see Appendix “D”). A broader range of uses are permitted in the requested General Commercial “GC” Zone than those permitted in the current Highway Commercial “HC” Zone.

Location: 2247 Rymal Road East, Stoney Creek (see Appendix “A”)

Owner: Supener Investments Inc.

Applicant: New Horizon Homes (c/o Jeff Paikin)

Agent: Planning and Engineering Initiatives Ltd. (c/o John Ariens)

Property Description:
- Frontage: 57.92 metres
- Depth: 104.95 metres
- Area: 9,265.31 square metres

Servicing:
- Water: Rymal Road
- Sanitary: Candlewood Drive, via a private, temporary service connection between 107 and 111 Candlewood Drive

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></td>
<td>Vacant</td>
<td>Highway Commercial “HC” and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Highway Commercial (Holding) “HC-</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3(H)” Zones</td>
</tr>
</tbody>
</table>

Surrounding Land Uses

| North          | Single-detached dwellings | Single Residential “R3” Zone |
ANALYSIS/RATIONALE:

1. The proposal 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.
   (iii) The proposed development is considered to be compatible with the existing development in the immediate area.

2. The proposed change to the Official Plan designation is considered more appropriate since the subject property is within the current Urban Area and is surrounded by residential and commercial development. The lands to the west are designated “General Commercial”, while the lands to the east are designated as a “Community Shopping Centre.” In addition, the lands to the south/southwest are designated “Rural Industrial” and “General Commercial.” The current “Highway Commercial” designation was considered appropriate 20 years ago since Rymal Road, formerly Highway 53, was under the jurisdiction of the Ministry of Transportation, the area was still predominantly rural or undeveloped, and the road functioned as a major route for the travelling public.

3. While the current concept consists of a 2-storey, 3,192 square metre commercial building with multiple tenants (retail on the ground floor with offices on the second floor), and a free-standing, 1-storey, 372 square metre bank/financial institution with drive-thru (see Appendix “D”), staff is of the opinion that it is appropriate to allow for all of the uses permitted in the General Commercial “GC” Zone. Staff also discussed with the applicant and his agent, the possibility of developing residential units on the second floor. Unfortunately, the applicant has only entered into a long term rental agreement with the current owner for commercial purposes only. They indicated that if they did own the lands, they would consider a residential component above. As noted earlier, the General Commercial “GC” Zone permits one accessory dwelling unit.
To accommodate the proposed concept, the following modifications to the zone provisions are required.

**Parking**

Since the proposed development will consist of “four or more separate commercial establishments,” for parking calculation purposes, it is considered a “shopping centre.” The parking standard for a “shopping centre” is 1 space per 20.5 square metres of gross floor area. Based on the total building area of 3,564 square metres, 174 spaces would be required. Comparatively, the following chart outlines the parking requirements for the various uses if considered separately:

<table>
<thead>
<tr>
<th>USE</th>
<th>PARKING STANDARD</th>
<th>AREA (SQ.M.)</th>
<th>REQUIRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retail</td>
<td>1 per 28 sq.m.</td>
<td>1,606</td>
<td>57</td>
</tr>
<tr>
<td>Office</td>
<td>1 per 30 sq.m.</td>
<td>1,586</td>
<td>53</td>
</tr>
<tr>
<td>Bank</td>
<td>1 per 15 sq.m.</td>
<td>372</td>
<td>25</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>3,564</td>
<td>135</td>
</tr>
</tbody>
</table>

Based on the above, a ratio of 1 space per 26.4 square metres would be required. However, the proposed Concept Plan (see Appendix “D”) includes 119 parking spaces, which would result in a ratio of 1 space per 30 square metres. Staff is of the opinion that this standard is appropriate since it is a minor reduction from the former Stoney Creek By-law standards and no concerns have been raised by Traffic Engineering staff. The Department will be reviewing new parking standards for commercial zones during the next stages of the City’s Comprehensive Zoning By-law.

**Loading Spaces**

The size of the multi-unit commercial building is 3,192 square metres. As a result, 2 loading spaces would be required. The proposed Concept Plan (see Appendix “D”) only includes 1 loading space. Staff is of the opinion that this is appropriate since it is typically only the retail type uses on the ground floor that will require loading areas. If we only use the ground floor space of 1,606 square metres, only 1 space would be required.

**Rear Yard**

The minimum required rear yard setback is 15 metres. The applicant is proposing to increase this setback to 18 metres to provide better separation between the residential dwellings to the north of the proposed development. This is included in the site specific “GC-54” Zone.
Height

The current Highway Commercial “HC” Zone permits a maximum height of 15 metres, whereas the proposed General Commercial “GC” Zone permits 16.5 metres. While staff is of the opinion that the 1.5 metre difference is minor, the applicant has proposed a maximum height of 15 metres and, as a result, this is included in the site specific “GC-54” Zone.

Landscaped Open Space

With the increased rear yard setback, the applicant is also proposing to increase the minimum landscaped strip abutting the residential dwellings from 4.5 metres to 6 metres, in order to provide a larger buffer area between the parking area and residential lots.

4. The development of the subject lands is subject to the approval of a site plan application. At that time details such as grading, landscaping, buffering and screening, access and building elevations will be addressed in detail.

5. In response to the pre-circulation of the applications to the surrounding landowners, the following issues were raised:

Noise

The residents are currently experiencing noise impacts from the traffic along Rymal Road as well as existing businesses in the area. Staff notes that the subdivision agreement for the “Highgate Subdivision, Phase 1”, Plan 62M-1037, requires that the Owner include the following warning clause in all offers of purchase and sale:

“Purchasers are advised that despite the inclusion of noise/vibration measures within the development area and within the individual building units, noise levels may become of concern, occasionally interfering with some activities of the occupants.”

They have an additional concern for the added noise from the delivery trucks servicing the new businesses, and they suggested that a 2.44 metres high concrete noise wall be erected along the rear of the proposed development. Staff note that there is currently a 1.8 metre high wood privacy fence at the rear of the residential properties. During the review of the Site Plan for the property, the need to upgrade the fencing to provide noise attenuation or enhanced privacy, as well as the need for any noise barrier for the loading area, will be determined.
Height of the Building

This has been addressed on Page 5. A maximum 15 metre height regulation has been included in the proposed By-law being recommended.

Lighting

The proposed parking areas will require lighting for visibility and security purposes. However, the proposed lighting cannot directly shine on abutting properties. A Lighting Plan will be required through the Site Plan approval process.

Signage

Any proposed signage must meet the requirements of the City’s new Sign By-law. A pylon sign would be permitted and, based on the frontage of the property, the maximum height of the sign would be 7.5 metres. Wall signs are also permitted and may occupy 15% of the elevation on which they are erected. Staff does not anticipate that any signs will be erected on the rear elevation of the building and this will be reviewed further at the Site Plan approval stage.

Grading and Drainage

There was a concern expressed that the grading of the existing residential properties does not have final approval, therefore, this application should not even be considered. The grading of the existing residential lots is addressed through the subdivision agreement. The grading of the proposed commercial development will be reviewed through the Site Plan approval process.

ALTERNATIVES FOR CONSIDERATION:

In the event Council does not approve the proposed changes in zoning, the existing uses and regulations in the Highway Commercial “HC” and Highway Commercial (Holding) “HC-3(H)” Zones will apply.

Staff discussed with the applicant and his agent, the possibility of developing residential units on the second floor. However, the applicant has only entered into a long term rental agreement with the current owner for commercial purposes only.

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 to the Official Plan and 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 the Provincial Policy Statement since Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.

**Hamilton-Wentworth Official Plan**

The subject lands are designated “Urban” in the Hamilton-Wentworth Official Plan. The proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

**City of Stoney Creek Official Plan**

The subject property is designated “Highway Commercial” on Schedule ‘A’ – General Land Use Plan, and on Schedule “A3” – West Mountain Planning District, Heritage Green Section Secondary Plan, in the City of Stoney Creek Official Plan. The following policies, among others, are currently applicable to the subject property:

“A.3.1.1 To encourage the provision of a sufficient level and variety of retail activity in the City to accommodate the demand of residents.

A.3.3.4.1 The Highway Commercial designation applies to those commercial facilities which are primarily designed to serve the travelling public and which rely heavily upon the automobile-borne traffic for their existence. This designation may include automobile service stations, motels, restaurants, small scale local institutional and similar uses including residential units clearly accessory to the principal uses.”

As a result, an application to amend the Official Plan to “General Commercial” and to permit additional uses is required. When reviewing the proposed amendment, the following policies, among others, were considered:

“A.3.3.2.1 The General Commercial designation applies to certain existing and proposed areas of individually managed commercial establishments located along highways and arterial roads. General Commercial uses benefit from accessibility and visibility and thereby provide a service to both pedestrian and automobile-borne trade.
A.3.3.2.2 Land designated General Commercial by this Plan may be used for retail and service shops, offices, financial institutions, automobile sales, service and repair establishments, printing shops, restaurants, hotels, places of assembly and entertainment, commercial marinas, local institutional and community uses and uses similar and accessory to the foregoing including dwelling units."

Neighbourhood Plan

The subject lands are designated “Highway Commercial” in the approved Highland Neighbourhood Plan. Recommendation (c) identifies the need to amend the Neighbourhood Plan once the Official Plan Amendment is finalized.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Community Services Department, Culture and Recreation Section.
- Public Works Department, Operations and Maintenance Division, Forestry & Horticulture Section.
- Public Works Department, Capital Planning and Implementation Division, Open Space and Park Planning Section.
- Corporate Services Department, Budgets & Finance Section.

Hamilton Street Railway advises that:

- The site is presently beyond a 400m walk of existing public transit service;

- The developer should consider sidewalks on Rymal Road in front of this development;

- The HSR along with the Transit Steering Committee has placed a peak period Rymal Road route proposal on a short list for consideration for the 2008 budget. This would require Council approval;

- HSR supports the inclusion of high quality pedestrian amenities at this development like walkways, lighting etc.; and,

- Mixed land uses contribute to a healthy transit operation by accommodating a range of travel options or trip purposes.

Public Works Department, Water & Waste Water Treatment Section advises that they have no issue with the rezoning per se; however, there is no sewer outlet for this property at this time. The lands will be serviced by the new Centennial Trunk Sewer along with the eastern portion of ROPA 9. It is expected to be completed in 2010.
Public Works Department, Operations and Maintenance Division, Traffic Engineering & Operations Section comments that it is desirable from a traffic safety perspective to reduce the number of driveways from Rymal Road East to adjacent developments. There are properties west and immediately adjacent to this subject land that may in the future develop or redevelop. We strongly suggest that the lands at No. 2247 Rymal Road East be consolidated with lands to the west for development purposes, which could include a mutual right-of-way established between the two or three properties for vehicular and pedestrian access. Rymal Road East is a controlled access highway and considering the combined frontage lengths we are suggesting that one or two accesses be provided between the properties.

It is also desirable to provide a vehicle and pedestrian connection between the existing commercial development immediately east of the subject lands. The access to Rymal Road East from the adjacent property has been designed for a future traffic signal installation. Providing full access from all commercial lands on the north side of Rymal Road East from a controlled intersection is recommended.

Preliminary site plan comments:

For the information of the applicant, the widening of Rymal Road East to a minimum four lane cross-section has been included as a recommended project in the Rymal Road Planning Area Master Plan Class EA. The timing of this road work has not yet been finalized but it has been identified as a potential 2008 project.

For the information of the applicant, any new or change in access to Rymal Road East requires an Access Permit from this office. The applicant can call the Traffic Engineering office at 546-2424, ext. 5925 for additional details, however a copy of the approved site plan illustrating existing traffic signs, hydrants, utilities/poles, sidewalks, boulevards, etc. must be submitted with payment of $64.70 to initiate the process. Any costs for traffic sign, utility pole relocation or other items are the sole responsibility of the applicant/owner.

The minimum width of a two-way access to a commercial property at the road allowance limit is 9.0m and with 9.0m radii. Additional width or increased radii may be necessary to accommodate specific delivery truck requirements.

A minimum of 6.0m setback is required between the widened Rymal Road East road allowance and the first parking space on the east side of the driveway.

There is a loading space provided at the east side of the two storey building. It is not clear if there will be any delivery vehicles driving at the rear of the building. If there will be smaller loading doors along the rear then an aisle width of 4.5m may not be sufficient.
We also note that a driving aisle width of 4.5m as shown on the preliminary plan provides sufficient manoeuvring for passenger cars if the angle of the parking stall is 45° or less. Any angle greater than 45° will require a laneway width between 4.5m and 6.0m.

We require 5.0 x 5.0m (minimum 3.0 x 3.0 m) vision triangles at the edge of the access, to be measured along the Rymal Road East road allowances. No vegetation or object may exceed a height of 0.7m higher than the centerline elevation of the respective roadways.

PUBLIC CONSULTATION

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, forty-two pre-circulation notices were mailed on January 4, 2007, to all property owners within 120 metres of the subject property, requesting comments or support for the application. Staff received four comments (see Appendix “E”). The concerns raised include: noise, height of the building, lighting, signage, and grading and drainage. These concerns are addressed in the Analysis/Rationale Section of the report. Further, a Public Notice sign was posted on the property in January 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 are involved in the definition and development of local solutions.
The applications were pre-circulated to the surrounding residents for comments and feedback.

Environmental Well-Being is enhanced.  ☑ Yes  ☐ No
Ecological function and the natural heritage system are protected.
The proposal is within the Urban Area relieving pressure to expand into the Rural Area.

Economic Well-Being is enhanced.  ☑ Yes  ☐ No
Investment in Hamilton is enhanced and supported.
The expanded uses will result in broader range of business opportunities.

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

:PD
Attachs. (5)
Amendment No. XXX

to the

Official Plan for the former City of Stoney Creek

The following text together with Schedule “A”, General Land Use Plan and Schedule “A3”, Secondary Plan - West Mountain Planning District, Heritage Green Section, of the Official Plan of the former City of Stoney Creek, attached hereto, constitute Official Plan Amendment No. XXX.

Purpose:

The purpose of this Amendment is to redesignate the subject lands from “Highway Commercial” to “General Commercial” on Schedule “A”, General Land Use Plan and, to redesignate the subject lands from Highway Commercial” to “General Commercial” on Schedule “A3”, Secondary Plan - West Mountain Planning District Heritage Green Section, in order to permit a commercial building with retail on the ground floor and offices on the second floor, as well as a free-standing bank/financial institution.

Location:

The lands affected by this Amendment are known municipally as 2247 Rymal Road East in Stoney Creek.

Basis:

The intent of the Amendment is to permit the development of a commercial building with retail on the ground floor and offices on the second floor as well a free standing financial institution. The basis for the redesignation is as follows:

- This proposed amendment is consistent with the Provincial Policy Statement as it allows for a mix and range of employment and makes use of existing services;
- The proposed development is considered to be compatible with the surrounding area and will create a commercial corridor along an important arterial road; and,
- The proposed Amendment will allow for more appropriate uses to cater to the surrounding residential areas.
Actual Changes:

1. Schedule “A”, General Land Use Plan, be revised by redesignating the subject lands from “Highway Commercial” to “General Commercial”, and identifying the subject lands as OPA No. XXX as shown on the attached Schedule “A” to this Amendment.

2. Schedule “A3”, Secondary Plan West Mountain Planning District Heritage Green Section, to be revised by redesignating the subject lands from “Highway Commercial” to “General Commercial”, and identifying the subject lands as OPA No. XXX as shown on the attached Schedule “B” to this Amendment.

Implementation:

An implementing Zoning By-Law Amendment will give effect to the intended use on the subject lands.

This is Schedule “1” to By-law No. XX - XXX, passed on the --- day of ----, 2007.

The

City of Hamilton

_______________________  ___________________ _____
Mayor                      City Clerk
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 2247 Rymal Road East

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Stoney Creek” 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. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section ______ of Report 07-____ of the Economic Development and Planning Committee at its meeting held on the ______ day of _______, 2007, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986, upon approval of Official Plan Amendment No. ______;

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

1. Map No. 16 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from:

   (a) The Highway Commercial (Holding) “HC-3(H)” Zone to the General Commercial “GC-54” Zone, Block 1; and,
(b) The Highway Commercial “HC” Zone to the General Commercial “GC-54” Zone, Block 2,

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

2. That Subsection 8.3.8, "Special Exemptions" of Section 8.3, General Commercial “GC” Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "GC-54", as follows:

"GC-54 2247 Rymal Road East, Schedule "A", Map No. 16

Notwithstanding the provisions of paragraphs (e), (f), (g) 2., (i) and (j) of Section 8.3.3 of the General Commercial “GC” Zone, on those lands zoned “GC-54” by this By-law, the following provisions shall apply: the minimum rear yard abutting a residential zone shall be 18 metres; the maximum building height shall be 15 metres; the minimum landscaped strip width abutting any zone other than a commercial or industrial zone shall be 6 metres; 1 parking space per 30 square metres of gross floor area or fraction thereof shall be required; and, a minimum of 1 loading space shall be provided".

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 General Commercial “GC” Zone provisions, subject to the special provisions referred to in Section 2.

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

PASSED and ENACTED this day of , 2007.

Fred Eisenberger
MAYOR

Kevin Christenson
CLERK

ZAC-06-101
Schedule “A”

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

to Amend By-law No. 3692-92

Subject Property
2247 Rymal Road East, Stoney Creek

Block 1
Lands to be rezoned from the Highway Commercial (Holding) “HC-3(H)” Zone to the General Commercial “GC-54” Zone.

Block 2
Lands to be rezoned from the Highway Commercial “HC” Zone to the General Commercial “GC-54” Zone.
01/23/07

Dear Joyce Yeh

We are writing to express some specific concerns regarding the development at 2247 Rymal road on the Stoney Creek Mountain. We are house number 111 and will not have the proposed development in our backyard, however seeing we are only one house over, we expect there may be some potential problems down the road. Firstly, without the development there is an abundance of noise from the traffic and surrounding businesses. In fact Hamilton Motor Products on the corner of Rymal and Centennial have a paging system that can be heard clearly in our backyards which is very annoying. Therefore should this development go through we are requesting a cement sound barrier minimum 8 feet high to block noise from the truck traffic during the night and day and noise from businesses. Next, we are concerned that the retail and office building is proposed to be 2 storeys. Frankly know one wants to look out their back windows and patios and see this. Therefore, the wall and considering the building be only one story are some possible solutions. Street lights and security lights are another concern. We do not want light shining in our backyards. We are proposing the downward lights on the building themselves be considered. Finally, the tall billboards and lit up business names must be below the fence level to avoid and additonal light on the back houses. These are some of the many concerns we wish to express. We will be following this development closely and hope our voices will be heard on some of the issues at large.

Sincerely,

Sandra and Ermando Valeri
01/31/07

Dear Joyce Yeh:

Regarding the notification that was received for the Zoning of the property 2247 Rymal Road East, Stoney Creek, we have a few concerns that we would like to see addressed.

We received copies of the Zoning By-laws, for Highway Zoning that now exist on the property mentioned and a copy of the General Commercial Zoning By-laws. In reviewing these documents there is no mention of the following concerns.

1. The allowance for noise levels. Would there be a concrete wall on the residential sides of the property to keep the noise levels down?
2. The lighting structure of the proposed parking lot. Would the lights installed, be the type of lights that shine downward onto the parking lots and not upwards into the sky, therefore shining on the residential yards.
3. Security lights that are installed on the building with this height allowance, would the lights be restricted to light commercial property and not the residential yards. The concrete wall, if this is a requirement would also help in keeping pedestrians from wondering into our yards
4. The other concern would be the grading situation. If the grading of the existing residential properties does not have final approval, due to water not draining properly from our yards, how can a zoning be changed and approved before this issue is addressed. Regardless of what type of commercial structure is allowed on this property in mention, the drainage and grading is of concern. It is over a year now and this matter has not been corrected, and is a major concern if new developments are allowed because that property may add to the already existing problems that the residents are having. Is there a time frame allowed for these problems by the City of Hamilton.

Unfortunately we thought the property in mention was commercial, however the height restriction was for a single floor. Now that we have been informed of a 2nd storey building has been proposed, we have a concerns. We would appreciate being notified of the Public Meeting to be held on the mention property, and hope that some of these concerns and others can be addressed.

Yours truly,

Linda Roggie  
Daryl Roggie  
107 Candlewood Dr  
Stoney Creek, Ont  
L8J 0A3
Dear Joyce,

My only concerns would be the amount of noise coming from people parking and/or driving through the ATM machine at the bank. I was also wondering about the amount of security lighting, as both of these things would directly impact upon us.

Please provide me with a copy of the staff report and date of the public meeting.

Sincerely,

Rick Morgan
Hello. I don’t know if this email may be too late for your cut-off date of Feb 2, 2007, but I’m writing to you regarding 2247 Rymal Road East.

As a resident on Candlewood Drive, I am concerned about the environmental impact on this green space.

I also thought from the cat-tails that it was a marshy area, although I have walked in the field and it did not appear to be wet, I wondered if there would be any measures in place to assure proper drainage.

I am also concerned about the amount of noise pollution which may be generated.

Thank you for your consideration of my concerns.

Yours truly,
Ms. M. Marjama