SUBJECT: Amended Application for a Change in Zoning for Lands Located at 85 Robinson Street (Hamilton) (PED06187) (Ward 2)

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAC-05-98, V & R Investments and Matterhorn Construction, owner(s), for a change in zoning from the current “RT-10” – ’H’ (Townhouse – Holding) District, Modified, to the “RT-30” – ‘H’ (Street - Townhouse – Holding) District, Modified, to permit the development of 44 freehold townhouse units, for lands located at 85 Robinson Street (Hamilton), as shown on Appendix "A" to Report PED06187, on the following basis:

(a) That the subject lands be rezoned from the “RT-10” – ‘H’ (Townhouse – Holding) District, Modified, to the “RT-30” – ‘H’ (Street - Townhouse – Holding) District, Modified.

(b) That the Draft By-law, attached as Appendix “C” to Report PED06187, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of the subject lands, until such time, as the following has been completed:
(i) That the applicant submit 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). 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 “RT-30” District, Modified provisions, by enactment of an amending By-law once the condition is fulfilled.

(d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

A previous zoning amendment application had approved the development of 38 condominium townhouse units on the subject lands, with below grade parking and a common clubhouse. This current application seeks to increase the number of permitted units to 44 and remove the previously proposed clubhouse from the proposal. The new proposal is for 44 freehold townhouse units on a common element condominium road, with all parking at grade. Modifications to the By-law are required to accommodate the proposed development relating to number of units, height, setbacks, lot area and width, driveway dimensions, and parking and access.

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 with the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Durand Neighbourhood Plan. The proposal is compatible with existing and planned development in the neighbourhood, and will contribute to the mix of available housing in the Durand Neighbourhood. In addition, the proposal represents an appropriate infill development which will make efficient use of an already serviced site.
BACKGROUND:

Proposal

The subject lands are located at 85 Robinson Street, in the Durand Neighbourhood, as shown on Appendix “A”. The property is the site of the former Thistle Curling Club and is currently vacant. The purpose of the application is to change the zoning on the subject lands from the “RT-10” – ‘H’ (Townhouse – Holding) District, Modified, to the “RT-30” – ‘H” (Street - Townhouse – Holding) District, Modified, to permit the development of 44 freehold townhouse units on a common element condominium road. Thirty of the units will face Robinson Street, Park Street and Charlton Avenue, and 14 units will be built internally fronting onto the common element road, as shown on Appendix “B”. Each unit has been provided with 1 required parking space, and 11 visitor parking spaces are also provided. The site was the subject of a previous zoning amendment application which permitted the development of 38 condominium townhouse units and a common clubhouse on the property. This current application removes the proposed clubhouse and increases the permitted number of units on the site to 44. Certain provisions have been included in the amending By-law, attached as Appendix “C”, to facilitate the proposed development, including access to the freehold units via a private driveway. Other modifications that have been included relate to number of units, height, setbacks, lot area and width, driveway dimensions, and parking.

This current zoning application has been amended. The application originally included an increase in the number of units to 49, with underground parking and a common open space area. The units were intended to be freehold, with access from a common element condominium road. The applicant revised their plan to the current proposal due to concerns over the technical aspects of establishing the common element condominium road underneath the freehold units.

Zoning Amendment Application ZAC-04-60

Zoning amendment application ZAC-04-60 was approved on November 16, 2004, by the Planning and Economic Development Committee and By-law 04-294 was passed by City Council on November 24, 2004. This amendment rezoned the lands from “E” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified, to “RT-10” – ‘H’ (Townhouse – Holding) District, Modified, to permit the development of the lands for a total of 38 condominium townhouse units, including one unit within a common recreational clubhouse, with a common courtyard and underground parking. By-law 04-294 included amendments to address reduced minimum setbacks, increased maximum height, reduced minimum distance between buildings, minimum landscaped area and the number of units permitted in a continuous row.
Zoning By-law No. 96-110

By-law 96-110 was passed by City Council on June 25, 1996, which amended the “E” (Multiple Dwellings, Lodges, Clubs, etc.) District to permit the subject lands to be developed in one of two options. The first option permitted the development of a residential care facility with a maximum of 162 residents within the same building as a multiple dwelling containing a maximum of 110 dwelling units, subject to several site specific modifications. The second option permitted a multiple residential development consisting of three specific buildings on three separate Blocks, with specific requirements for each block. Blocks 1 and 2 permitted two multiple dwellings with a maximum of 200 dwelling units combined. Block 3 permitted the development of townhouses, street townhouses or maisonette dwellings.

Details of Submitted Application

Owner/Applicant: V&R Investments and Matterhorn Construction
c/o Vince Molinaro

Agent: Fothergill Planning & Development

Location: 85 Robinson Street

Description: Frontage on Robinson Street: 86.4 metres
               Frontage on Park Street: 53.0 metres
               Frontage on Charlton Avenue: 75.0 metres
               Area: 7,855m²

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Lands</td>
<td>Vacant “RT-10” – ‘H’ (Townhouse – Holding) District, Modified</td>
</tr>
</tbody>
</table>

Surrounding Land Uses

<table>
<thead>
<tr>
<th>North</th>
<th>Multiple Residential</th>
<th>“E-3” (High Density Multiple Dwellings) District</th>
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</thead>
<tbody>
<tr>
<td>South</td>
<td>Single Family Residential, Municipal Park</td>
<td>“E” (Multiple Dwellings, Lodges, Clubs, etc.) District</td>
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</table>
ANALYSIS/RATIONALE:

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

(i) The proposal is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Durand Neighbourhood Plan.

(ii) It is compatible with existing and planned development in the surrounding area.

(iii) It will contribute to the mix of available housing in the Durand Neighbourhood.

(iv) It represents an appropriate infill development which will make efficient use of an already serviced site.

2. The current “RT-10” – ‘H’ (Townhouse – Holding) District, Modified, zoning on the site permits the development of 38 condominium townhouse units and an accessory recreational clubhouse that contains one of the condominium dwelling units. The amending By-law 04-294 included several modifications to facilitate the proposed development, including reduced minimum setbacks (0 metres for yards abutting the street and 0.5 metres for all other yards), increased maximum height to 13.5 metres, decreased minimum distance between buildings, a minimum landscaped area of 30.5%, and a requirement for a minimum of 10 visitor parking spaces. The current application is based on a proposal that changes the ownership pattern of the development to freehold units with access via a common element condominium road, increases the total number of units permitted on the site to 44, eliminates the proposed recreational clubhouse, and removes the underground parking and access road. Instead, the common element road and all parking will be above ground. Some of the modifications previously approved through By-law 04-294 will be carried forward to this new proposal, and additional modifications will be required. These will be discussed in further detail below.

The applicant will be required to submit an application for approval of a Draft Plan of Subdivision to create the 44 lots for the freehold units. In addition, an application for approval of a Draft Plan of Condominium will also be required to
establish the common element condominium for the access road and parking area.

3. The applicant has submitted a site plan with their application, attached as Appendix “B”, and several modifications to the By-law have been identified, as discussed below.

Lot Frontage

The amending By-law includes a provision to allow lot frontage on a private driveway rather than a public highway. This amendment is needed because the Zoning By-law requires that every dwelling must have frontage on a public highway. The proposed interior lots do not have frontage on a public highway, but instead will have frontage on the common element condominium road. This amendment will facilitate the freehold ownership pattern, and all the units will have vehicular access through the common element condominium driveway.

Height

The applicant is proposing a height of 3 storeys and 13.5 metres, whereas the standard “RT-30” provisions permit a maximum height of 3 storeys and 11 metres. This increase in building height was previously approved through By-law 04-294. The height increase is required to accommodate the architectural design of the development that is in keeping with the existing architectural character of the Durand Neighbourhood. The proposed increase in height is considered minor and the amendment can be supported.

Yards

The Zoning By-law requires a minimum front yard setback of 6.0 metres. The amending By-law permits a minimum setback of 0.0 metres where a front yard abuts a public street. The reduced front yards were previously approved through By-law 04-294. This reduction can be supported as the reduced front yards will be consistent with the existing urban streetscape in the Durand Neighbourhood. This form of development is encouraged in the downtown area and supported by the Site Plan Guidelines of the City of Hamilton. In addition, the 6.0 metre minimum front yard standard is normally required to accommodate a parking space and driveway. With this development, the units abutting a public street have driveway and parking spaces at the rear and, therefore, the 6.0 metre front yard is not required for these units.

The Zoning By-law requires a minimum rear yard setback of 7.5 metres. As shown on Appendix “B”, the internal units meet this requirement. However, the units fronting onto Charlton Avenue, Park Street and Robinson Street have reduced rear yards of 6.0 metres, part of which is occupied by a driveway. The amending By-law has been written to permit a reduced rear yard of 6.0 metres
for the units with frontage on a public street, and to require a minimum of 15m² of this rear yard to be maintained as landscaped area. This will prevent the entirety of the rear yard from being paved for parking. To compensate for this reduced yard, a minimum private amenity area of 10m² in the form of a deck at the second floor level is required for each unit. Therefore, the reduced rear yard can be supported, as reduced yards are consistent with the compact urban form of development in the downtown area. Staff also notes that Durand Park is directly south of the site on Charlton Avenue. Therefore, greenspace and public amenity area are provided in proximity to the development.

The amending By-law also recognizes reductions in minimum side yards. A minimum side yard of 1.5 metres is proposed for the end units, whereas the Zoning By-law requires a minimum side yard of 2.5 metres for an end unit. The reduced side yards are consistent with surrounding development in the neighbourhood and promote a compact urban form of development and can therefore be supported. It is noted that the side yards shown on Appendix "B" between Buildings 4 and 5 are deficient. A minimum side yard of 1.5 metres is required for each of the buildings, whereas the site plan is showing a side yard of approximately 1.14 metres for each building. These yards can be increased to the required 1.5 metres as there is sufficient room for the buildings and proposed lot lines to be shifted slightly to meet the requirement. The applicant is aware of this requirement and is in agreement.

Lot Area and Width

The Zoning By-law requires a minimum lot area of 180m² and a minimum lot width of 6.0 metres for each dwelling unit for a street (freehold) townhouse development. The applicant has proposed a reduced minimum lot area of 102m² per unit and a minimum lot width of 5.5 metres. This reduction can be supported as this urban form of development, with reduced yards and smaller lot sizes, is consistent with development in the surrounding neighbourhood. Private amenity area is provided for each unit, and Durand Park is located directly south of the subject lands to provide additional public amenity area for any future residents of this development.

Maximum Number of Units

The amending By-law has established the maximum number of units permitted on the site at 44. The wording of the amendment will limit the maximum number of units to 44 regardless of any future subdivision of the property. This will ensure that the density of development on this site cannot be increased in the future without the need for further approvals. By-law 04-294 permitted a maximum of 38 townhouse units on the property. This application will increase the number of units by 6. The increase in units is possible due to the removal of the previously proposed clubhouse building. As the development is providing the minimum required parking under the Zoning By-law plus an additional 11 visitor
parking spaces, and private amenity area for each unit, the increase in density is appropriate and can be supported. The development will be subject to site plan control to ensure that proper visual barriers and landscaping are provided to protect existing adjacent residents.

**Number of Units in a Row**

The applicant has proposed that one of the townhouse buildings will contain 9 units in a row, whereas the Zoning By-law allows a maximum of 8 units in a continuous row. This amendment was previously approved under By-law 04-294, and will have the effect of maintaining the existing character of the street. As the townhouse development will enhance the urban streetscape character of the surrounding neighbourhood, the modification is considered minor and can be supported.

**Driveway Size**

The Zoning By-law requires a driveway to be a minimum size of 2.7 metres by 6.0 metres. Two of the units have driveways of 5.7 metres in length due to their locations at the curve of the road. All other driveways meet the required length. Therefore, the amendment is considered minor and can be supported.

4. As a result of a preliminary circulation of the zoning application to all residents within 120 metres of the subject property, four written responses were received, attached as Appendix “D”. The letters raised concerns over traffic, parking, design, pedestrian accessibility, and servicing. These issues are discussed below:

**Traffic**

Residents have expressed concern over potential impacts arising from the increase in traffic as a result of this development. The site plan (Appendix “B”) includes one access to and from the site onto Robinson Street. Residents are concerned that the new development will cause congestion on Robinson Street, and that there may be a need for a new 4-way stop at the intersection of Robinson and Park Streets, whereas a 2-way stop exists at this intersection now. Staff from the City’s Traffic Engineering and Operations Section has reviewed the proposal, and have no concerns with the additional traffic that will be generated from the development. This type of development with the proposed 44 units is expected to create an additional 25 vehicle trips in the AM peak hour (or the equivalent of 1 vehicle every 2 1/2 minutes) and an additional 30 vehicle trips in the PM peak hour (or the equivalent of 1 vehicle every 2 minutes). This is not a significant number of trips and will not have a negative impact on Robinson Street. Staff has also stated that these additional trips will not warrant the installation of an all-way stop at the intersection of Robinson Street and Park.
Street; however, staff will continually monitor the need for increased intersection control should the need arise.

Parking

One resident raised concerns over the lack of parking in the neighbourhood. The resident is concerned that approval of this application will add to the parking issues in the area. The Zoning By-law requires one parking space per unit for street townhouses for a total parking requirement of 44 spaces for this development. As shown on Appendix “B”, one parking space has been provided for each unit, plus an additional parking space in the driveway of each unit and 11 visitor parking spaces, for a total of 99 spaces. Therefore, as the applicant is proposing to provide more than the required number of parking spaces, staff is satisfied that sufficient on-site parking has been provided for this development. In order to ensure that the 11 proposed visitor parking spaces are provided, this requirement has been included in the amending By-law.

Design

A concern was expressed over the design of the units and compatibility with the surrounding neighbourhood. Residents want to ensure that the units will be designed to a high standard and will be compatible with existing development. At the site plan control stage, staff will work with the applicant to encourage a design in keeping with the architectural context of the surrounding neighbourhood through the use of appropriate building materials such as brick and stone, and by ensuring the new facades are designed in a way to correspond to existing design in the neighbourhood.

Pedestrian Accessibility

A suggestion was made that the site plan could be revised to increase pedestrian accessibility on the site. This could be achieved through the inclusion of pedestrian paths between the two buildings fronting onto Robinson Street and between the two buildings fronting onto Charlton Avenue. These paths would provide access to the centre of the site for pedestrians and cyclists. In order to accommodate the paths, the distance between the buildings will need to be increased. There is sufficient space on the site to accommodate these paths as part of the common element condominium and to still maintain adequate setbacks. The applicant has expressed that they are in agreement with this suggestion, which will be addressed at the site plan and condominium stages.

Servicing

One resident expressed concern that, prior to any further development occurring in the area, the sewer system should be updated and improved. Staff has no information to suggest that the existing sewers will not handle the increased
demand from this development. At the site plan control stage, the applicant will be required to submit servicing drawings to be reviewed by staff. The applicant will be required to ensure that the development can be fully serviced without causing a negative impact on surrounding properties.

5. As the previous use of this site was for a community use, a potential for on-site contamination exists. Since the proposal is for a conversion to a residential use, Ministry of Environment regulations state that it is mandatory that a Record of Site Condition (RSC) be filed. It is, therefore, appropriate to place the subject lands in a Holding ‘H’ provision with the following condition:

“That the applicant submit 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). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE.”

6. A Heritage Impact Assessment of the former Hamilton Thistle Club Building was undertaken in July 2004 prior to demolition of the building. The assessment included recommendations to salvage several features from the Thistle Club building for possible inclusion into the new development. The applicant has expressed their desire to recognize the site’s history and include the salvaged materials where possible. At the site plan control stage, the City’s Heritage staff will work with the applicant to determine how the salvaged features will be incorporated into the new design.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of developing the property for 38 townhouse units, as approved under the current “RT-10” (Townhouse) District, Modified zoning.

**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). Staff recognizes that the application has shown proper regard towards focusing
growth in urban areas (Policy 1.1.1(a)). 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. Policy 3.2.2 states that contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects. Therefore, due to the previous use of the site and the potential for on-site contamination, staff recommends that the subject lands be rezoned with a Holding ‘H’ symbol to be removed upon the submission of a signed Record of Site Condition (RSC) to the satisfaction of the Ministry of Environment and the City of Hamilton.

**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, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Therefore, as the nature of the application is for a modification to the existing zoning designation to facilitate the development of residential townhouses where full municipal services are available, the proposal conforms to the Hamilton-Wentworth Official Plan.

**City Of Hamilton Official Plan**

The subject property is designated “Major Institutional” on Schedule “A” – Land Use Concept to the City of Hamilton Official Plan and within “Special Policy Area 3” on Schedule “B” – Special Policy Areas. The following policies of the City of Hamilton Official Plan, among others, are applicable to the subject lands:

“A.2.1.13 Plans for redevelopment will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced and that the redevelopment will not burden existing facilities and services.

A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Subsections A.2.1 and C.7 of this Plan.

A.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 the Residential policies of Subsections A.2.1 and C.7 and Policy A.2.8.1(ii); (O.P.A. No. 27);
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 or redevelopment be at a scale, density and bulk compatible with the established character of the surrounding uses.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

iii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview.”

The City of Hamilton Official Plan permits residential development in areas designated “Major Institutional”, provided that the proposed development is compatible with the surrounding area. The proposed 44 unit townhouse development would be compatible with development in the surrounding neighbourhood, as it maintains the downtown urban residential built form by having regard to lot frontages, building height, coverage and setbacks. Based on the above, the proposal complies with the City of Hamilton Official Plan.

Durand Neighbourhood Plan

The subject property is designated as “Attached Housing” in the approved Durand Neighbourhood Plan. The proposal complies with this designation.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Corporate Services Department (Budget & Fiscal Policy Services).
- Corporate Services Department (Revenues Division).
- Hamilton Hydro.
- Union Gas.

The Public Works Department (Traffic Engineering and Operations Section) has commented that any new access will require the owner to apply for and receive an Access Permit from the Public Works Department. Any abandoned accesses must be removed and restored. Visibility triangles of 5 metres by 5 metres will be required at the
SUBJECT: Application for a Change in Zoning for Lands Located at 85 Robinson Street (Hamilton) (PED06187) (Ward 2) - Page 13 of 13

Robinson Street access. If the units that front onto Charlton Avenue, Park Street and Robinson Street have front steps that encroach into the city road allowance, the owner will be required to apply for an Encroachment Agreement with the Public Works Department to permit this encroachment.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was circulated to 1,261 property owners within 120 metres of the subject lands. Four written responses were received as a result of the preliminary circulation, attached as Appendix “D”, with concerns over traffic, parking, design, pedestrian accessibility, and servicing. These concerns have been addressed in the Analysis/Rationale Section of this report. In addition, a Public Notice sign has been posted on the property and Notice of the Public Meeting will be 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
Shelter, care and satisfying employment are accessible to all Hamiltonians, and the public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
The development will increase housing options in a downtown neighbourhood which is well-served by public transit and is within walking distance of several amenities, thereby reducing auto dependency and usage.

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

:HT
Attachs. (4)
Change in Zoning from the “RT-10” – ‘H’ (Townhouse – Holding) District, Modified to the “RT-30” – ‘H’ (Street - Townhouse – Holding) District, Modified
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593
Respecting Lands Located at 85 Robinson 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 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 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. Sheet No. W-5 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton) is amended by changing from the “RT-10” – ‘H’
(Townhouse – Holding) District, Modified, to the “RT-30” – ‘H’ (Street - Townhouse – Holding) District, Modified, the lands, the extent and boundaries of which are shown on a plan annexed as Schedule “A”.

2. The “RT-30” – ‘H’ (Street - Townhouse - Holding) District provisions, as contained in Section 10F of Zoning By-law No. 6593, applicable to the land the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”, are further amended to the extent only of the following special requirements,

(a) That notwithstanding Section 4(3)(b) and Section 10F(6)(ii) of Zoning By-law 6593, for frontage purposes, frontage on a public highway shall not be required, provided that vehicular access is provided to each unit by a 6.0 metre wide private driveway within a Registered Plan of Condominium;

(b) That notwithstanding Section 10F(3) of Zoning By-law 6593, no building shall exceed three storeys, and no structure shall exceed 13.5 metres in height;

(c) That notwithstanding Section 10F(4)(a) of Zoning By-law 6593, where a front yard abuts a public street, a depth of 0.0 metres from the street line may be provided and maintained;

(d) That notwithstanding Section 10F(4)(b) of Zoning By-law 6593, for lots with frontage on a public street, a rear yard of a depth of not less than 6.0 metres shall be provided and maintained, of which a minimum of 15 m² of said yard shall be maintained as landscaped area;

(e) That notwithstanding Section 10F(4)(c) and Section 10F(5) of Zoning By-law 6593, a side yard of not less than 1.5 metres shall be provided and maintained for a side yard abutting a wall that is not a party wall;

(f) That notwithstanding Section 10F(6)(i) of Zoning By-law 6593, a minimum lot area of 102 m² shall be provided and maintained for each dwelling unit;

(g) That notwithstanding any provision to the contrary of Zoning By-law 6593, for lots with frontage on a public street, an amenity area in the form of a deck, with a minimum area of 10 m², shall be provided and maintained for each dwelling unit;
(h) That notwithstanding Section 10F(6)(ii) of Zoning By-law 6593, a minimum lot width of 5.5 metres shall be provided and maintained for each dwelling unit;

(i) That a maximum of 44 dwelling units shall be permitted on the lands, notwithstanding any future division of the same lands;

(j) That notwithstanding Section 10F(9) of Zoning By-law 6593, not more than nine dwelling units shall be attached in a continuous row;

(k) That notwithstanding Section 18A(1)(b) of Zoning By-law 6593 or any other provision to the contrary of Zoning By-law 6593, a minimum of 0.25 visitor parking spaces for every dwelling unit shall be provided and maintained on lands zoned “RT-30/S-1547” within a Registered Plan of Condominium; and,

(l) That notwithstanding Section 18A(7) of Zoning By-law 6593 or any provision to the contrary of Zoning By-law 6593, every driveway shall have dimensions of not less than 2.7 metres wide and 5.7 metres long.

3. That the ‘H’ symbol applicable to the lands referred to in Section 1 of this By-law shall be removed conditional upon,

   (i) The applicant submitting 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). 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 “RT-30” (Street - Townhouse) District, as amended by the special requirements of Section 2 as stipulated in this By-law, by enactment of an amending By-law once the above condition has been fulfilled.

4. 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 “RT-30” – ‘H’ (Street - Townhouse – Holding) District, Modified, provisions, subject to the special requirements referred to in Section 2 of this By-law.

5. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1547.

6. Sheet No. W-5 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1547.
7. 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

ZAC-05-98
Change in Zoning from the "RT-10" – 'H' (Townhouse – Holding) District, Modified to the "RT-30" – 'H' (Street - Townhouse – Holding) District, Modified

Schedule “A”
Map Forming Part of By-law No. 06-____
to Amend By-law No. 6593
June 15, 2006

Heather Travis, MCIP, RPP
Planner
Planning and Economic Development Department
Zoning By-law Reform Section
City of Hamilton
71 Main Street West, 6th floor
Hamilton, ON L8P 4Y5

Re: The Former Thistle Club Site at 85 Robinson St

Dear Ms. Travis,

I am writing to you regarding the former Thistle Club property at 85 Robinson St. As you know, the Durand Neighbourhood Association (DNA) continues to be interested in the development of this site. The Association has worked for many years with the City and with successive owners of the property to ensure that the future use of the site is in keeping with the character and density of the neighbourhood. In that vein, I wanted to provide you with some comments related to the site in light of recent proposed changes by the property owner. We have had an opportunity to review some preliminary drawings of the changes and we look forward to seeing more detailed plans in advance of the rezoning application public meeting. In advance of that meeting and of your review of the rezoning changes, I wanted to highlight a number of points that I hope you will consider as this process moves forward. These fall into two areas, those that related specifically to the preliminary drawings we have seen, and secondly those related to the overall site maintenance, design and character of what is proposed.

1. After reviewing the proposed site plan that you provided our Board on May 1, 2006, we have identified two main issues that we hope can be addressed in the rezoning phase of this process.
   a. The first issue relates to spacing between the units, in particular the two blocks of units on the Charlton St. side of the property. Due to the limited amount of green space suggested in these plans, we suggest that the owners expand the gap between the two six unit blocks to create enough space for a pedestrian path leading from the interior of the property to Charlton St. This would provide pedestrian access for the residents of the centre ring of units to the Durand Park on the opposite side of Charlton. A similar path could also be created on the Robinson side of the property between the two blocks of units on that side of the property.
   b. According to the proposed site plan, the only vehicular access to the property will be via the Robinson St. entrance. We suggest that the City of Hamilton needs to add a new four way stop at the corner of Robinson and Park Streets. Considering the size of this development, this will increase the amount of traffic moving along that segment of the intersection, therefore a new four way stop sign at this corner will alleviate any traffic issues that could develop.

2. The following list of concerns relates to the existing maintenance of the Thistle site and the nature of how the new development will fit with the character of the neighbourhood.
a. Since Council provided its approval of the zoning changes in November, 2004, the condition of the Thistle site has gone from bad to worse in terms of the owner's efforts to maintain the site in a safe and respectful manner. Our Board and many members of the neighbourhood have lodged repeated complaints with our Ward Councillor and with the Property Standard Division of the City regarding numerous dangerous elements on the site. These include, but are not limited to, concerns about the lack of fencing, the precarious character of the hording around the property, the long-standing presence of standing water at the North-east corner of the site, and the lack of cleared sidewalks (whether of leaves or snow). The City needs to take a far more active role in ensuring the safety of this site, and must ensure that the new owners of the property proceed with their development in a swift but safe manner.

b. In considering the plans for the new development on the Thistle property, it is important to recognize that the site is located in a neighbourhood with unique heritage areas. In particular, this site is situated in between two designated Heritage Conservation districts, the Markland and the MacNab districts. As the planned development moves forward on this site, we hope the City will keep this in mind in determining appropriate materials and design features in the site plan stages.

c. As part of the plans approved for rezoning in November, 2004, the current owners of the Thistle property committed to the preservation and reuse of a number of the architectural features from the former Thistle Club building. I want to be assured that these features will be included in the new plan proposed in this new application. If they are not included, then the features should be donated to the City.

In terms of the latter two issues, I understand that these are issues that can be addressed in the site plan stage of the development process. I would like to request that representatives of the Durand Neighbourhood Association are included in the site plan stage to assist with issues related to neighbourhood character and heritage.

I hope this information will assist you as you review the application for rezoning for the former Thistle Club property. We look forward to reviewing more detailed plans of the changes to the site and to reading your report to the Planning and Economic Development Committee.

Regards,

Cathy Gazzola
President
Durand Neighbourhood Association

Cc: Bob Bratina, Councillor, Ward 2
Maria Pearson, Chair, Planning and Economic Development Committee
Mayor Larry DiIanni
Dear Ms. Travis:

With respect to File: ZAC-05-98 we are looking forward to the completed project as the desire for the zoning amendment has been made.

The only concern we have is regarding the fact that there is just one exit/entrance planned for the lot.

Personally, we think there should be two exit/entrance driveways, the other one being off Charlton Street.

Our concerns arise from the possibility of congestion at the only exit/entrance area presently planned on Robinson Street. We have an apartment overlooking the street and for a small street it can become quite busy and congested. The stop sign at Park and Robinson is the reason for the congestion and it is just meters away from the only proposed driveway. Not to mention the fact that traffic on Robinson Street is one directional and that every car coming out of the proposed lot will have to stop at that stop sign. This to us seems like an extreme limitation and in our minds may create problems.

This same concern could also be extended to the necessary facts of snow removal, ambulance access, fire truck access and the fact that all the cars belonging to all the units can only access the lot by traveling east on Robinson Street.

As mentioned, our suggestion to alleviate some of these potential problems is to have two exit/entrance areas -- the other being off of Charlton Street. The driver of a vehicle then will have an additional access option.

Hope our concerns and comments will be of some use.

Thank you.

Sincerely,

Richard and Susan Dudzinski
2B-200 Park Street South
HAMILTON, ON
L8P 3G1
MEMO TO: Heather Travis, Planner  
City of Hamilton  
Planning & Economic Development Dept., Development and Real Estate Division, City Hall, 71 Main Street West  
Hamilton, On. L8P 4Y5  

EMAIL: htravis@hamilton.ca  

DATE: May 5, 2006  
Re. File #ZAC-05-98  

Dear Ms. Travis:

This reply is in response to your letter dated April 27, 2006. I want to start off by saying that I am hoping that you receive many replies to your letter and hopefully they will be carefully thought out and respond with a negative reply to your possible amendment by adding 44 Freehold Townhouse Units, as well as the additional changes presented in your letter.

I completely disagree with this addition and certainly to the addition or modification of the report. I do not understand how the City of Hamilton could possibly have sanctioned this to begin with. The area in which I live is so congested now and the City has by no means done anything to this infrastructure to allow the current growth spurt in this area of the city! I really do not understand how and why the small group of townhouses on Park Street South was allowed to be built. Nothing can be done now. They are here and are already presenting problems!

Something can certainly be done with regards to the proposal across the street from the new townhouses. Does not any person in Planning and Development have any sense as to what is truly required? Before more housing units can be built I would think that the SEWER SYSTEM should be updated!!! 100 years is a long time in coming. I believe that we will be having the same problems that the Locke Street and Aberdeen areas have had in the past. These problems have not been resolved to date! We, who live in this particular area, do not want to have to go through what the other Hamilton citizens have endured.

Another critical problem is PARKING! We who live in this are find this to be a daily nightmare now! We can only imagine what will happen when all these new units are in place. You can say that there will be parking for the tenants but what about visitors, etc., etc., etc.

I have only touched on two or three issues and I know that there are many more but I have very little time. I am hoping that this letter will add some insight from the current land owners and tenants already here and living in existing buildings!!! Our downtown area needs HELP but not the kind the City is proposing!

Sincerely,

Linda MacRae
Subject: Mail System Error - Returned Mail
Date: Mon, 15 May 2006 09:21:19 -0400
From: Mail Administrator <Postmaster@bellnexxia.net>
To:

This Message was undeliverable due to the following reason:
Each of the following recipients was rejected by a remote mail server. The reasons given by the server are included to help you determine why each recipient was rejected.

Recipient: <htravis@hamilton.com>
Reason: 5.1.1 <htravis@hamilton.com>... User unknown

Reporting-MTA: dns; tomts10.bellnexxia.net
Arrival-Date: Mon, 15 May 2006 09:21:17 -0400
Received-From-MTA: dns; sympatico.ca (70.48.10.10)
Final-Recipient: RFC822: <htravis@hamilton.com>
Action: failed
Status: 5.1.1
Remote-MTA: dns; napa.hamilton.com (192.207.15.8)
Diagnostic-Code: smtp; 550 5.1.1 <htravis@hamilton.com>... User unknown

Subject: re amended zoning application for 85 Robinson St.
Date: Mon, 15 May 2006 09:22:35 -0400
From: htravis@hamilton.com
To:

Dear Ms Travis,

Further to our phone conversation on Friday May 12, I am registering my objection to the proposed change in the original plan which moves the entrance/exit to the townhouse development from Charlton Ave. to Robinson St.

This proposal could be a distinct disadvantage to the residents on Robinson St. because of the increased traffic and also to the future residents of this townhouse development because of the inconvenience.

Robinson has been a reasonably quiet street with traffic one-way east and parking on both sides. Soon there will be extra traffic from the six new townhouses that have already been built on the corner of Robinson and Park. Charlton is a three-lane thoroughfare and the additional traffic from an entrance/exit there would have very little impact.

If this new proposal were to be approved, drivers exiting on Robinson and wishing to go east would be funnelled into James St. at the corner of which there is always a backlog of traffic particularly since James has become two-way. Drivers wishing to go west or north would have the inconvenience of having to go around the block to Charlton, generating unnecessary pollution and expense.
The Charlton Ave. entrance/exit would do away with these disadvantages and would help to retain what is left of the integrity of Robinson, a fine old Hamilton street.

Thank you for the opportunity to comment on this proposal.

Yours truly,

Kathleen C. Nolan
801 49 Robinson St.
Hamilton, L8P 1Y7