TO: Chair and Members  
   Economic Development and Planning Committee  
WARD(S) AFFECTED: WARD 11

COMMITTEE DATE: April 20, 2010

SUBJECT/REPORT NO:  
Application for a Further Modification in Zoning for Lands Located at 2660-2668 Binbrook Road East and 2651 Regional Road 56 (Glanbrook) (PED10087) (Ward 11)

SUBMITTED BY:  
Tim McCabe  
General Manager  
Planning and Economic Development Department

PREPARED BY:  
Jennifer Haan  
(905) 546-2424, Ext. 1230

SIGNATURE:

RECOMMENDATION:

That Zoning Application ZAR-09-033, by Christemi Partnership Limited, Owner, for a further modification to the General Commercial “C3-243” Zone, to add a drive-through associated with a fast food restaurant as an additional permitted use, for lands located at 2660-2668 Binbrook Road East and 2651 Regional Road 56 (Glanbrook), as shown on Appendix “A” to Report PED10087, be denied for the following reasons:

(a) That the proposal is not consistent with the goal to promote pedestrian orientated development in the Community Core, as envisioned in the Binbrook Village Secondary Plan and Urban Design Guidelines.

(b) That the proposal does not conform to Council adopted policies for pedestrian predominant streets in the new Urban Hamilton Official Plan.

(c) That the proposal has significant design issues with respect to on-site circulation for both vehicular and pedestrian movement that have not been adequately addressed.
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(d) That the proposal does not represent good planning.

EXECUTIVE SUMMARY

The purpose of this application is for a further modification to the existing site-specific zone to add a drive-through associated with a fast food restaurant as an additional permitted use, whereas drive-through uses were previously excluded on the subject lands.

The proposal cannot be supported as it does not maintain the goals and development objectives and policies stated in the Binbrook Village Secondary Plan and Urban Design Guidelines, and it does not meet the Council adopted policies of the new Urban Official Plan. In addition, the proposal has significant design issues regarding on-site pedestrian and vehicular circulation, and does not represent good planning.

Alternatives for Consideration - See Page 19.

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.

HISTORICAL BACKGROUND

Previous Zoning Application (ZAC-07-096)

By-law No. 08-205 was approved by Council on September 10, 2008. The purpose of the application was for a change in zoning to permit commercial development on the subject lands. A number of site-specific modifications were included in the amending By-law in order to ensure development conformed to the “Community Core” designation of the Official Plan and Binbrook Village Secondary Plan, and implemented the Binbrook Village Community Core Urban Design Guidelines. The range of permitted uses on the subject lands were restricted to specifically prohibit motor vehicle related uses and drive-through facilities for restaurants.
Site Plan Control Application (DA-08-112)

Site Plan Control Application DA-08-112 was conditionally approved on October 7, 2008, subject to a number of conditions, to permit the construction of two commercial buildings on the subject lands. To date, no conditions have been cleared, and the application has been placed on hold until the current Zoning By-law Amendment application has been processed, as it is the Owner's intent to amend the site plan to include the proposed drive-through, if permitted.

Current Proposal (ZAR-09-033)

The Owner, Christemi Limited Partnership, has submitted an application to modify the existing zoning on the subject lands in order to permit a drive-through facility associated with a fast food restaurant. As previously mentioned, drive-through facilities associated with a restaurant were specifically excluded from the list of permitted uses when the property was rezoned in September, 2008.

As shown on the submitted concept plan (Appendix “B”), the proposed drive-through will be associated with a Tim Horton’s restaurant. The concept plan currently shows a queue lane, consisting of 12 stacking spaces; however, the actual number of stacking spaces would be reduced to 9 once the minimum stacking space length of 7 metres per vehicle is applied.

In order to accommodate the queuing lane, and to maintain the required parking on site, the application also proposes to reduce the size of the building fronting onto Regional Road 56 from 494 square metres, as shown on the Site Plan application, to 223 square metres. The GFA has been added to the proposed two-storey building on the property to increase the GFA of Building “B” from 1,900 square metres to 2,135 square metres.

Details of Submitted Application:

**Location:**
2660-2668 Binbrook Road East, and
2651 Regional Road 56, Glanbrook

**Owner/Applicant:**
Christemi Limited Partnership

**Agent:**
DeFilippis Design

**Property Description:**
- Frontage: 43.685 metres along Binbrook Road East
- Flankage: 41.766 metres along Regional Road 56
- Area: 4,987 square metres
**EXISTING LANDUSE AND ZONING:**

<table>
<thead>
<tr>
<th>Subject lands</th>
<th>Existing Land Uses</th>
<th>Existing Zoning</th>
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</thead>
<tbody>
<tr>
<td>Vacant</td>
<td>General Commercial “C3-243” Zone</td>
<td></td>
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<tr>
<td>(dwellings have been demolished)</td>
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**Surrounding Lands**

<table>
<thead>
<tr>
<th>North</th>
<th>Library</th>
<th>Public “P” Zone</th>
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</thead>
<tbody>
<tr>
<td>South</td>
<td>Dental Office</td>
<td>General Commercial “C3-212” Zone</td>
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<tr>
<td></td>
<td>Single Detached Dwelling</td>
<td>Existing Residential “ER-111” Zone</td>
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<tr>
<td>East</td>
<td>Single Detached Dwelling</td>
<td>Existing Residential “ER” Zone</td>
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<tr>
<td>West</td>
<td>Vacant - City Owned Land</td>
<td>General Commercial “C3” Zone</td>
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<tr>
<td></td>
<td>(Proposed Municipal Parkette)</td>
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<td></td>
<td>Fire Station</td>
<td>Public “P-145” Zone</td>
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**POLICY IMPLICATIONS**

**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. These applications are consistent with Policy 1.1.3.1 of the Provincial Policy Statement, which focuses growth in settlement areas.

Policy 1.7.1(e) outlines that long-term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) 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. Due to the proximity of drive-through facility, a stationary noise source, and existing sensitive land uses (residential
development and library), a noise study was required. The applicant submitted a noise study titled “Environmental Noise Impact Study Binbrook Village Centre 2660-2668 Binbrook Road East and 2651 No. 56 Highway Binbrook ON, Part of the City of Hamilton”, prepared by dBA Environmental Services, and dated July, 2009. Staff has reviewed the aforementioned noise study and concurs with the recommendation that no noise mitigation measures are required.

In addition, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted. Staff notes that the subject property is located within an area of archaeological potential. A Stage 1 and 2 Archaeological Assessment was submitted to the Ministry of Culture and the provincial interest was signed off by the Ministry in a letter dated July 25, 2008. Staff has no further concerns with regards to archaeology on the subject property.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Regional Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

However, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. Staff notes that the subject property is located within an area of archaeological potential. A Stage 1 and 2 Archaeological Assessment was submitted to the Ministry of Culture and the provincial interest was signed off by the Ministry in a letter dated July 25, 2008. Staff has no further concerns with regards to archaeology on the subject property.

Based on the forgoing, the proposal conforms to the Hamilton-Wentworth Official Plan.

**Township of Glanbrook Official Plan**

The subject property is designated “Binbrook Community Core” on Schedule ‘A’ - Land Use Plan, and “Community Core” on Schedule ‘B’ - Binbrook Village Secondary Plan, in the Township of Glanbrook Official Plan. The following policies, among others, are applicable to the proposed development:

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“B.2.2.1 DEVELOPMENT PRINCIPLES

(m) The Township shall encourage commercial and business development of a size and scale to service the local community and to provide employment opportunities. The focus of commercial development shall be in the Community Core area, along with the designated General Commercial Areas and appropriate neighbourhood commercial nodes.

(n) The Township shall encourage the establishment of design guidelines for the Community Core to ensure that development is of a form and scale appropriate for a small town community. The Community Core area is to have street oriented buildings and a pedestrian friendly environment. For example, the establishment of a maximum height of three (3) storeys and front yard “build-to” lines to maintain a village character.

B.2.2.2 DEVELOPMENT OBJECTIVES

B.2.2.2.1 Community Core

(f) To ensure that the height, bulk, scale, and design of new development in the Community Core is street oriented, pedestrian friendly, establishes an attractive streetscape, and is a human/village scale.

(h) To promote enhanced architectural and functional relationships between building, structure, landscaping, parking, pedestrian and vehicular access, and public streets.

B.2.2.2.2 General Commercial

(a) To permit general commercial uses which have more land extensive requirements to locate along Regional Road 56, north of the Community Core; and Binbrook Road at Fletcher Road.

B.2.2.3 DEVELOPMENT POLICIES

B.2.2.3.5.1.3 Parkettes

(c) Parkettes are intended to enhance visual interest, provide “pocket-sized” places for passive recreation apart from the Active parks and Open Space System, and allow residents the opportunity to walk to a convenient place for meeting, greeting, meditation, and play.

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B.2.2.3.7 Commercial

Binbrook Village provides for three (3) types of Commercial development, including: commercial uses of a “small town main street” nature in the Community Core; commercial uses possessing more land extensive requirements in the General Commercial area; and convenience commercial uses to service the daily needs of residential neighbourhoods in the Corner Retail areas.

B.2.2.3.7.1 Community Core

The Community Core will serve as the commercial and cultural centre of Binbrook Village. Making the Community Core a destination is an important issue of public perception and urban design. The public must perceive it as a single place with specific boundaries and elements. Residents and visitors should sense that they are within a unique area as they move around the Community Core, and they must know when they are entering or leaving it.

B.2.2.3.7.1.1 Permitted Uses

(a) Permitted uses shall include a full range of commercial activities such as retail stores, personal and business services, restaurants, offices, medical centres, cultural, recreational and entertainment facilities, parks, institutions, and community facilities.

(d) In order to promote a sense of place for the Community Core, a public Village Square shall be located at the intersection of Binbrook Road and Regional Road 56.

B.2.2.3.7.1.2 Pedestrian Circulation

(a) The Community Core shall be street orientated and pedestrian friendly.

(b) The Community Core shall be of a human-scale and provide a pleasant and varied pedestrian experience. The safe and efficient movement of pedestrians should be accomplished through the provision of sidewalks and pedestrian facilities that facilitate interaction between commercial establishments located in proximity to one another, and through measures that minimize vehicular / pedestrian conflicts.

(f) The Community Core shall be people focused with pedestrian movement facilitated and encouraged by the provision of sidewalks on both sides of the street.”
As discussed in further detail in the Analysis/Rationale For Recommendation section of the report, the proposal is not consistent with the general intent and purpose of the policies identified in the “Binbrook Village Secondary Plan”.

**New Urban Hamilton Official Plan**

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009, and is currently awaiting approval from the Ministry of Municipal Affairs and Housing. The subject lands are designated “Mixed-Use - Medium Density” on Schedule ‘E-1’ Urban Land Use Designations, which permits a full range of retail, service commercial, and residential uses intended to serve the surrounding neighbourhoods, but specifically prohibits drive-through facilities on pedestrian predominant streets. Both Regional Road 56 and Binbrook Road are identified as “pedestrian predominant” streets. Policy E.4.5 states that “pedestrian predominant streets are intended to cater to the pedestrian by creating a comfortable, active, and visually stimulating walking environment. Pedestrian predominant streets shall have wide sidewalks, buildings oriented to the public sidewalk, outdoor cafes, and a high level of streetscape design and activity.”

In addition, the lands are designated “Mixed-Use - Medium Density - Pedestrian Predominant” on Map B.5.1-1, Binbrook Village Secondary Plan Land Use Map, which shall serve as the commercial, service, and cultural centre of Binbrook Village, and shall be the main location within Binbrook for Mixed-Use development, retail stores, business and service uses, offices, and community uses such as the library and post office. Commercial and business development shall be encouraged to be of a size and scale to service the local community, and to provide employment opportunities.

The proposal to permit a drive-through facility on the subject land would not conform to the “Mixed-Use - Medium Density” and “Mixed-Use - Medium Density - Pedestrian Predominant” policies of the Council adopted new Urban Official Plan.

**Binbrook Village Community Core Urban Design Guidelines**

The Binbrook Village Community Core Urban Design Guidelines are based on four key principles, which include:

- Greening the Core;
- Conserving the unique character of the core;
- Providing a safe and friendly environment for pedestrians; and,
- Encouraging mixed-use commercial development.

These key urban design principles form the foundation for the Urban Design Guidelines, define the character of the Community Core, and aid in the controlled development of the core.
Site Plan Guidelines

The City of Hamilton’s Site Plan Guidelines has guidelines applicable to drive-through restaurants and other facilities. The Guidelines state that drive-through operations should not disrupt on-site traffic or the operation of adjacent local streets, and must ensure minimum impact on neighbouring properties, particularly residential lots. Site design for drive-through facilities must efficiently move automobiles and provide the necessary vehicle stacking for cars waiting to use the drive-through facility. The drive-through should be located behind or along side of the principle building mass, and should consider both vehicular access, as well as pedestrian movements, through the site. Sufficient vehicle stacking spaces should be provided for the drive-through; for fast food establishments a minimum of 12 stacking spaces should be provided.

Although the proposed drive-through facility will be located behind the building mass, a number of the guidelines listed above have not been addressed. The proposed drive-through does not provide sufficient vehicle stacking spaces, as the minimum 12 stacking spaces cannot be accommodated. Based on the limited size of the subject lands, the drive-through layout creates a potential to disrupt on-site traffic circulation as vehicles will queue up in the main drive aisle. The proposed drive-through layout has not adequately addressed pedestrian movements through the site, and pedestrian/vehicular conflicts currently exist. Based on the above, and discussed in further detail in the Analysis/Rationale For Recommendation section of this report, the proposed drive-through facility does not meet the City of Hamilton’s Site Plan Guidelines for drive-through restaurants and facilities.

RELEVANT CONSULTATION

The following Departments and Agencies had no concerns or objections:

- Operations and Waste Management Division, Public Works Department.
- Health Protection Division, Public Health Services.

The following Departments and Agencies submitted the following comments:

Traffic Engineering Section, Public Works Department:

In our review of the submitted plan, we have concerns regarding site circulation and stacking of vehicles within the parking lot. We advise that we do not support the proposal to modify the existing zoning to permit a drive-through on the subject lands.

The proposed layout of the site, specifically the drive-through portion, creates several traffic concerns. The Applicant’s site plan illustrates that stacked vehicles will block access to parked vehicles, and pedestrians will have to cross over the stacked vehicles.
to access the commercial building. Both these scenarios are generally discouraged in an effort to create a more pedestrian friendly environment. Pedestrian/vehicular conflict is further jeopardized by restricting access to the drive-through to Binbrook Road only. This arrangement can create confusion and frustration to drivers who enter the site via Regional Road 56, but cannot enter the drive-through lane. Our design preference with respect to drive-throughs is to separate vehicular and pedestrian traffic, while at the same time, maximize on-site circulation.

The Applicant has submitted a “Binbrook Commercial Development Site Plan Review” that focuses on the function of the proposed drive-through. We note that while the site can accommodate a queue length of roughly 19 vehicles, we feel the high utilization of the drive-through and the restaurant has not been thoroughly examined. This will be the only Tim Hortons serving the Binbrook community, with the next closest location at Rymal Road and Swayze Road. In addition to the sit-down customers, this Tim Hortons will be attractive to commuters travelling to and from Hamilton/ Binbrook/Cayuga. Furthermore, the Binbrook Village Transportation Master Plan recommends enhancements to the trail and bikeway network that encourages an “active living” community. As such, cyclist and pedestrian activity will increase.

Downtown Renewal Section, Planning and Economic Development Department

The site-specific zoning applicable to the site (C3-243), approved in September 2008, was tailored to the proposed development, but excluded drive-thrus (e.g. permitted uses include, among others: “fast food restaurants (excluding drive-thru), standard restaurants (excluding drive-thru), take-out restaurants (excluding drive-thru).”) At that time, the proposed development concept did not include a drive-thru.

It should be noted that even though the new Urban Hamilton Official Plan is not yet in effect, it has been adopted by Council and, therefore, provides Council’s clear direction for future development along identified pedestrian predominant streets. Both Binbrook Road and Regional Road 56 (Highway 56) in this area are identified as pedestrian predominant streets where drive-thru facilities shall not be permitted. Considering this direction, a Zoning By-law Amendment, to introduce a drive-thru facility, is not supported by the Downtown and Community Renewal Division.

If a drive-thru facility is to be allowed, it must be within a very limited circumstance so as to not establish a precedent for proposed drive-thrus elsewhere along pedestrian predominant streets that could be brought forward though future Official Plan (once the new OP is approved) and Zoning By-law Amendments. It is recommended that the amendment clearly indicate that such drive-thru, including window and queue line, must be located behind buildings to screen it from view at the streetline, as per the site plan attached to the circulated Zoning By-law Amendment application.
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Environmental Services Section, Public Works Department:

There are trees located on the road allowance fronting this site, and Tree Management discussions for the entire site, DA-08-112, are ongoing. We have not received any correspondence since our comments of September 11, 2008. The presence of municipal trees does not have any impact on this application.

As part of the discussion for DA-08-112, trees are planned, but we have not received any communication since our comments dated September 11, 2008. The new restaurant must provide a Landscape Plan for its proposed portion of the overall site.

Capital Budgets Section, Corporate Services Department:

That the applicant/owner be aware of the Best Efforts Hwy. 56/Binbrook Road Watermain Rate of $12,505.41, and Best Efforts Binbrook Road Sanitary Sewer Rate of $25,221.62, payable as a condition of severance, site plan, subdivision/condominium approval, and/or permit application.

Strategic Planning and Rapid Transit Section, Public Works Department:

The proponent should follow the recommendations in The Binbrook Village Transportation Master Plan; Improvements to Binbrook Road and Regional Road 56 Class Environmental Assessment; and the City of Hamilton's new Urban Hamilton Official Plan referring to Schedule C-2 - Future Road Widenings.

The recommended roadway alternatives made in the Binbrook Village Transportation Master Plan (December, 2004) have been evaluated and conceptually designed in Phases 3 and 4 of the Binbrook Road and Regional Road 56 Municipal Class Environmental Assessment as a Schedule C undertaking. Please note, the ultimate road plan for the intersection of RR 56 and Binbrook Road is a signalized intersection with one through lane in each direction and left turn lanes on all approaches. Regional Road 56 requires a 26.213m wide right-of-way from Maggie Johnson Drive to the south limits of Binbrook Village Secondary Plan area. Binbrook Road, east of Fall Fair Way to the east limits of Binbrook Village Secondary Plan area, requires a 26.213m wide right-of-way. The Environmental Assessment is complete, and detail design work is currently in progress. Development Engineering's comments should be considered for the detail design requirements. It should be noted that the City has listed a number of properties in the village core as being of heritage significance, and mitigation measures were identified in the Binbrook Road and Regional Road 56 Municipal Class Environmental Assessment. In addition, the proposed development must be designed using the requirements of the Binbrook Village Community Core Urban Guidelines.
Hamilton Municipal Parking System:

The Hamilton Municipal Parking System office provides the following information:

The applicant has previously submitted a parking study for this site justifying the reduction of on-site parking from 105 spaces to 77 spaces. In the study, the applicant based their parking requirement of 105 parking spaces on an assumed distribution of the Gross Leasable Area (GLA), which consist of:

- Building A - medical/dental clinic with 1 practitioner - 232 square metres.
- Building A - dry cleaning services - 262 square metres.
- Building B - ground floor retail shops - 951 square metres.
- Building B - second floor office space - 951 square metres.

The Hamilton Municipal Parking System did not have significant concerns with the allocation of 77 parking spaces for this development if the use of the site remains consistent with the GLA distribution identified in the parking report. However, if the uses were to be distributed differently, or change completely, there could be a significant increase in the demand for on-site parking.

Under the highest parking demand vs. GLA scenario, this site would require in excess of 200 parking spaces to comply with Zoning By-law requirements. This site must be self-sufficient at all times as overflow parking is not available on the adjacent streets. It can be anticipated that overflow parking would infiltrate into the adjacent residential neighbourhood, which is likely to sway residents into petitioning for restrictive on-street parking regulations. Parking may also overflow onto the Binbrook Fairgrounds or neighbouring commercial properties.

Infrastructure and Source Waster Planning Section, Public Works Department:

The following are comments from a water supply perspective:

- There is an existing City 400mm watermain on Binbrook Road East, which could be accessed for water supply to the subject lands.

- Static pressures at the street line are on the average in range of 60-85 psi (within the service range).

- Fire flow capacity is sufficient based on two-hydrant flow tests, and hydrant coverage is adequate for the proposed development.
PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Public Participation Policy approved by Council, 180 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on October 9, 2009, requesting public input on the application. To date, two letters of objection have been received. The letters expressed concern with traffic congestion associated with the proposed drive-through. This is discussed in greater detail in the Analysis/Rationale For Recommendation section of this report (see Page 18 - #8).

Further, a Public Notice sign was posted on the property on November 20, 2009, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal cannot be supported for the following reasons:

   (i) The proposal is not consistent with the goal to promote pedestrian orientated development in the Community Core, as envisioned in the Binbrook Village Secondary Plan and Binbrook Village Community Core Urban Design Guidelines.

   (ii) The proposal does not conform to Council adopted policies for pedestrian predominant streets in the new Urban Hamilton Official Plan.

   (iii) The proposal has significant design issues, with respect to on-site circulation for both vehicular and pedestrian movement, that have not been adequately addressed.

   (iv) The proposal does not represent good planning.

2. The Binbrook Village Secondary Plan includes detailed policies that are intended to guide and control development within the Community Core. The Community Core is envisioned to “serve as the commercial and cultural centre of Binbrook Village” and should be designed as a “small town main street”. The principles and fundamental guidelines indicate that the Community Core shall be developed in a form and scale appropriate for a small town community with street oriented buildings and pedestrian friendly design elements. Development within the Core must also provide an enhanced and integrated visual experience by promoting an attractive, comfortable, and safe streetscape and building design. The subject property also borders a future municipal parkette, the Village Square, at the northeast corner of Binbrook Road East and Regional Road 56. The Secondary Plan policies identify the Village Square as an area that creates and “promotes
sense of place for the Community Core” and is “intended to enhance visual interest, provide areas for passive recreation, and allow residents the opportunity to walk to a convenient place for meeting, greeting, meditation, and play”.

A pedestrian friendly environment is one that caters to the pedestrian and provides a safe, accessible, and visually stimulating walking environment. A pedestrian oriented environment is achieved by providing street oriented buildings; enhanced streetscape design including wider sidewalks, street furniture, lighting and ample landscaping; and areas for social interaction, such as outdoor cafes and parkettes. A drive-through is not a pedestrian oriented use, and will detract from the intended pedestrian orientated streetscape where walking is encouraged, and the importance of the Village Square as a place for socializing is promoted. Staff notes that there are other suitable and more appropriate sites within Binbrook where drive-through facilities can locate. This type of auto-orientated use is better suited to the “General Commercial” areas located north of Maggie Johnson Drive and the extension of Fall Fair Way. The “General Commercial” designation is intended for those “commercial uses which have more land extensive requirements”.

A drive-through facility associated with a restaurant is more land intensive than a sit-down restaurant of the same size, since adequate space is required for the accommodation of the queue lane. A review of the concept plan by the Traffic Engineering Section has concluded that there is not adequate space on-site to accommodate the proposed drive-through without compromising the design of the remainder of the site. The drive-through interferes with on-site circulation with high potential for over-flow stacking to build up in the main drive aisle causing vehicular congestion on-site. There are also concerns regarding the safety of pedestrian movements on-site, as a recommendation has been presented to staff to include a pedestrian walkway through the drive-through queue lane. These concerns of on-site vehicular congestion and pedestrian/vehicular conflicts are discussed in further detail below (see points 3 - 5 of the Analysis/Rational For Consideration section of the report).

The Binbrook Village Secondary Plan indicates that since pedestrian activity plays an important role in the success of the Core, pedestrian activity should be facilitated and encouraged through design elements, a number of which were listed above. With the introduction of the drive-through, the pedestrian oriented design is being lost in order to accommodate the drive-through facility. Staff notes that in order to accommodate the stacking lane for the proposed drive-through, and to maintain the number of required parking spaces on site, the applicant has reduced the size of the building fronting Regional Road 56 from a 494 square metre multi-tenant building to a 232 square metre single tenant (Tim Horton’s) building. The main entrance to Tim Horton’s will be along Regional Road 56, with no building entrances fronting the municipal parkette, as originally

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intended in the previous Zoning application and Site Plan application. The intent of having the main entrances fronting the municipal parkette was to create a pedestrian oriented development that enhances the importance of the Village Square as a prominent focal point in the Community Core.

Based on the above, staff is of the opinion that the proposed drive-through does not maintain the goals and development objectives intended for the Community Core of Binbrook Village.

3. The applicant submitted a report titled “Binbrook Commercial Development Site Plan Review”, dated July 8, 2009, prepared by Paradigm Transportation Solutions Limited, which focused on the on-site vehicular movements and proposed drive-through queue lanes. The report concluded the following:

- The proposed drive-through can accommodate approximately 8 vehicles within the stacking lane without impacting the parking aisles internal to the site. Additional stacking spaces for 11 vehicles can be accommodated on-site within the main drive aisle without impacting the traffic travelling along the adjacent public roadways.

- Observed queue lengths at two case study sites suggests the morning peak queue lengths will not exceed 11 to 13 vehicles at any given point in time. Based on this observation, the site is capable of accommodating the estimated peak demand for the drive-through facility.

- Signage should be placed to discourage vehicles to enter the drive-through from Regional Road 56 and to direct vehicles to the drive-through entrance off Binbrook Road.

The Traffic Engineering Section, Public Works Department, reviewed the report and identified concerns regarding site circulation and stacking of vehicles within the main aisle of the parking lot. The initial concept plan (see Appendix “C”) illustrates that stacked vehicles will block access to parked vehicles, and pedestrians will have to cross over the stacked vehicles to access the commercial building. Both these scenarios are generally discouraged in an effort to create a more pedestrian-friendly environment. Pedestrian and vehicular conflict is further jeopardized by restricting access to the drive-through to Binbrook Road only. This arrangement can create confusion and frustration to drivers who enter the site via Regional Road 56, but cannot enter the drive-through lane. It is the City’s preference, with respect to drive-through design, to separate vehicular and pedestrian traffic, while at the same time, maximize on-site circulation.
The Paradigm report indicates that the site can accommodate a queue length of roughly 19 vehicles; however, the Traffic Engineering Section indicated that the high utilization of the drive-through and the restaurant has not been thoroughly examined. This will be the only Tim Hortons serving the Binbrook community, with the next closest location at Rymal Road and Swayze Road. In addition to the sit-down customers, this Tim Hortons will be attractive to commuters travelling to and from Hamilton/Binbrook/Cayuga. Furthermore, the Binbrook Village Transportation Master Plan recommends enhancements to the trail and bikeway network that encourages an “active living” community. As such, cyclist and pedestrian activity will increase.

4. In response to concerns raised by the Traffic Engineering Section, Public Works Department, Paradigm Transportation Solutions Limited submitted a revised report dated January 31, 2010. The revised report focused on three areas of concern, namely: impact on site traffic; impact on pedestrian circulation; and, drive-through traffic from Regional Road 56.

To address the concern regarding impact on site circulation, the drive-through queue lane was redesigned to accommodate 12 stacking spaces (Appendix “B”), as opposed to the initial design, which proposed only 8 stacking spaces. The report included an assessment of a busy Tim Hortons restaurant, which indicated that the maximum queue length was 13 vehicles, which occurred once during the AM peak period with an average observed queue length of 7.3 vehicles. The report acknowledges the possibility that the vehicle queue for the drive-through may occasionally extend into the main drive aisle; however, will happen infrequently and not have a significant impact on the internal site circulation.

To address the concern regarding impact on pedestrian circulation, the report indicated that pedestrian movement through the site is an area of possible concern, and that some mitigation measures are warranted. The report recommended that a designated pedestrian crossing be provided across the drive-through queue lane. The crossing should be 1.5 metres in width, consist of a textured surface, and signage advising vehicles in the queue of “pedestrian crossing” should be provided.

In response to the concern that traffic entering the site via Regional Road 56 will not be able to gain access to the drive-through without turning around on the site, the revised Paradigm report indicates that the queue lane has been designed specifically to accept traffic entering only from Binbrook Road. The report indicates that designing a queue lane to accept traffic entering from both Binbrook Road and Regional Road 56 would result in the loss of stacking spaces, and could also present a source of conflict during busy periods. The recommendation is to leave the drive-through, as designed, and to post signage.
at the access point on Regional Road 56 that directs drive-through traffic to the Binbrook Road access.

The Traffic Engineering Section, Public Works Department, also reviewed the revised report and indicated that there are still concerns regarding the design of the drive-through and its impact on site circulation. The most recent submission notes the drive-through will be able to accommodate 12 vehicles before overflowing into the parking lot. The Applicant has identified a ‘pedestrian crossing’ over the drive-through lane, which should remain clear at all times and would eliminate at least 1 additional stacked vehicle. Furthermore, the concept plan should be using a stacking/vehicle length of 7 metres, as opposed to the 5.5 metres shown on the concept plan, which further reduces the stacking space available in the proposed design to an estimated 9 spaces.

As previously mentioned, this will be the only Tim Horton’s serving the Binbrook community with the next closest location at Rymal Road and Swayze Road. It will attract not only local residents, but also commuters travelling to and from Hamilton/Binbrook/Cayuga. While the Traffic Study discusses impacts on site circulation during the morning weekday peak, it has not addressed the impacts on Saturday mornings/afternoons when peak hours for Tim Horton’s shifts and overlaps with store openings.

The Traffic Engineering Section does not support the proposed drive-through since the site is not large enough to accommodate the traffic that is anticipated by a Tim Horton’s drive-through without impacting site circulation.

5. Staff requested that the applicant submit an Urban Design Brief that demonstrates how the site design is guided and informed by the Council approved Site Plan Guidelines and the Binbrook Village Community Core Urban Design Guidelines, and how the drive-through use is designed to avoid vehicular and pedestrian conflicts. The applicant submitted an Urban Design Brief, dated January 5, 2010, prepared by DeFilippis Design. The design brief points out that the drive-through has been located to the rear of the building in order to minimize visual impact. The drive-through stacking lane has been expanded to accommodate approximately 12 vehicles to reduce and/or eliminate any negative effects of the drive-through. The design brief also points out that the promotion of a pedestrian friendly site, and the safe movement of people around the site, has been given a great deal of consideration. Wide sidewalks around the perimeter of the buildings facing the parkette and public streets have been proposed. A delineated pedestrian walkway is proposed from the property to the north (public library). A decorative masonry wall is proposed to be installed around the drive-through to discourage pedestrians crossing the queue lane.
Staff has reviewed the Urban Design Brief and notes that it does not adequately demonstrate conformity with the Four Key Design Principles of the Binbrook Village Community Core Urban Design Guidelines, which are:

- Greening the Core;
- Conserving the unique character of the core;
- Providing a safe and friendly environment for pedestrians; and,
- Encouraging mixed use commercial development.

Based on recommendation in the urban design brief and traffic report, a potential vehicle/pedestrian conflict has been identified for pedestrians crossing the drive-through lane which does not create safe and pedestrian friendly environment as required by the policies of the Binbrook Village Secondary Plan and Binbrook Village Community Core Urban Design Guidelines.

6. The applicant submitted a noise study titled “Environmental Noise Impact Study Binbrook Village Centre 2660-2668 Binbrook Road East and 2651 No. 56 Highway, Binbrook ON Part of the City of Hamilton”, prepared by dBA Environmental Services, and dated July 2009. Staff has reviewed the aforementioned noise study and notes that it examined the noise impacts of the proposed drive-through facility in terms of the associated speaker system and vehicular traffic utilizing the drive-through. Further, based on the location of the proposed drive-through facility, the aforementioned noise study concluded that no noise mitigation measures are required. Staff concurs with this recommendation.

7. Staff notes that the Council adopted Urban Official Plan includes policies for “Pedestrian Predominant” streets, which are intended to cater to the pedestrian by creating a comfortable, active, and visually stimulating walking environment, and where drive-through facilities shall not be permitted. Both Regional Road 56 and Binbrook Road East are identified as Pedestrian Predominant streets. The proposal does not conform to the policies of the new Urban Official Plan.

8. Staff received two written responses (see Appendix “D”) as a result of the circulation of the application. The responses expressed concerns that the proposed drive-through will increase traffic and congestion at the intersection and concerns regarding the location of the access on Regional Road 56.

In response to the concern that the proposed drive-through will create more traffic and congestion in the area, staff is aware of the increased vehicular traffic that a drive-through will bring to the area, and it has been noted that this site will be heavily utilized as it is the only Tim Horton’s serving the Binbrook community. It will attract both local residents and commuters travelling to and from Hamilton/Binbrook/Cayuga. Staff is not satisfied with the submitted traffic report,
and notes that it has not addressed the site impacts on weekend morning/afternoons when peak hours for Tim Hortons may overlap with other store openings.

With respect to the location of the driveway access on Regional Road 56, staff notes that the location of the accesses will be reviewed in detail through the Site Plan application, and the Traffic Engineering Section has asked the applicant to provide the location of the existing driveways on the west side of Regional Road 56 and south side of Binbrook Road. The main concern is that no conflicts are created with the existing access to the Fire Hall on the west side of Regional Road 56.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of using the property for the range of uses that are currently permitted in the General Commercial “C3-243” Zone.

**CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)


**Healthy Community**

- Plan and manage the built environment.

**APPENDICES / SCHEDULES**

Appendix “A”: Location Map  
Appendix “B”: Revised Concept Plan  
Appendix “C”: Initial Concept Plan  
Appendix “D”: Objection Letters

:JH  
Attachs. (4)
Appendix “D” to Report PED10087 (Page 1 of 2)

Jennifer Keen, City of Hamilton Planning and Economic Development Department Planning Division
FILE NO ZAR 05-073
I am writing in response to the application for a zoning by-law amendment for 2651 Reg Rd 56 and 2660 - 2668 Binbrook Road East.

My information was that they want to open a restaurant and drive thru. I am not against having a drive thru in Binbrook, but I think that the location is too close to the corner. The corner in Binbrook is much too busy now and a drive thru would add more congestion to an already busy road.

Another draw back would be having another driveway close to Library Lane which houses a senior apartment. These seniors also walk on the sidewalk to go to the village shop and use the bank.

We also have a lot more people walking the sidewalks in the village with our population and a lot of them are children. I believe that increased traffic from a drive thru with an exit on Reg Rd 56 would be a hazard and an accident waiting to happen.

We live at 2555 Reg Rd 56 and have to wait long periods to get our driveway now and another “busy” exit would only increase our waiting time.

Leslie & Lois Murphy
LESLIE & LOIS MURPHY
2555 REG RD 56
BOX 417
BINBROOK ONTARIO
LOR 1CO

RECEIVED NOV 23 2009
Appendix "D" to Report PED10087 (Page 2 of 2)

October 27, 2009

Jennifer Toon
Planning & Development
Hamilton, Ontario

Dear Madam,

Re: ZAR-09-033

I am opposed to a drive-through at a fast food restaurant at the corner of King St E and the Benbrook Road.

That corner is busy enough - yesterday waiting to make a left-hand turn 2 huge trucks came barreling through, followed by 16 city cars.

- 2. -

If the trucks decide to park and the cars go through the drive through (with their engines running) we could have a real mess to contend with.

Two days ago, the drive-through at Tim Hortons at 75 King St E was full - cars were parked on the road. There was this happening in Brant as well.

I strongly urge you to turn down the application for a drive-through at the corner of King St E and the Benbrook Road.

Yours sincerely,

[Signature]

Helen With