

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 6
<b>COMMITTEE DATE:</b> January 15, 2013	
<b>SUBJECT/REPORT NO:</b> Application for an Amendment to Hamilton Zoning By-law No. 6593 for the Property Located at 726 Upper Gage Avenue (Hamilton) (PED13019) (Ward 6)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Greg Macdonald (905) 546-2424 Ext. 4283
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

- (a) That approval be given to **Zoning Application ZAC-12-037, by St. Daniel's Drugmart, Owner**, for a change in zoning to Hamilton Zoning By-law No. 6593 from the "C" (Urban Protected Residential, Etc.) District to the "G/S-1662" (Neighbourhood Shopping Centre, Etc.) District, with a Special Exception, in order to permit the conversion of the existing, former Canada Post building to a medical centre and pharmacy, for the lands located at 726 Upper Gage Avenue, as shown on Appendix "A" to Report PED13019, on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED13019, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (ii) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

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- (b) That Urban Hamilton Official Plan Amendment No. [REDACTED], to amend Map 2 of Volume 3 (Urban Site-Specific Key Map) to establish a new Urban Site-Specific Area # UHN-[REDACTED], and to add the text to permit the conversion of the existing former Canada Post facility to medical offices and a pharmacy, attached as Appendix "C" to Report PED13019, be received and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect; and following such final decision, Planning and Economic Development Department staff be directed and authorized to hold a Public Meeting pursuant to the provisions of the Planning Act to consider the proposed Urban Hamilton Official Plan Amendment, for lands located at 726 Upper Gage Avenue (Hamilton).

### **EXECUTIVE SUMMARY**

The purpose of this application is to amend the Hamilton Zoning By-law in order to permit the conversion of the existing building that was formerly used by Canada Post at 726 Upper Gage Avenue (Hamilton) (see Appendix "A") for medical offices and a pharmacy. Minor changes to the existing parking area are also proposed (see Appendix "D" for a preliminary site plan of the altered parking area).

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement, and conforms to Places to Grow, the Hamilton-Wentworth Official Plan, and the Hamilton Official Plan. The proposed development would allow for the adaptive reuse of an existing building at a scale that fits into the existing neighbourhood, and would provide medical and pharmacy services to the local population.

*Alternatives for Consideration - See Page 15.*

### **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 Zoning By-law Amendment.

## **HISTORICAL BACKGROUND**

### **Proposal**

The applicant has applied to rezone the lands from the “C” (Urban Protected Residential, Etc.) District to a site-specific “G/S-1662” (Neighbourhood Shopping Centre, Etc.) District to permit the conversion of the existing, former Canada Post building to medical offices and a pharmacy. Minor changes to the existing parking area are also proposed (see Appendix “D” for a preliminary site plan of the altered parking area, and Appendix “E” for a preliminary, proposed floor plan).

In order to implement the proposal, a number of modifications are required to address the existing parking and landscaping. The modifications include:

- Eliminating the requirement for a 1.5m wide planting strip along the westerly lot line;
- Eliminating the requirement that parking be setback 1.5m from a residential district along the westerly lot line, and not closer to the street line than 6.0m;
- Parking to be provided at a rate of 1 space per 22 sq. m of floor area for medical office uses, instead of 1 space per 19 sq. m of floor area; and,
- Parking stall sizes of 2.6m x 5.5m, instead of 2.7m x 6.0m, and that no loading space is required.

The proposed modifications are discussed in the Analysis/Rationale for Recommendation section of this Report.

### **Chronology:**

August 22, 2012: Development Review Committee Meeting for Formal Consultation Application FC-12-090.

October 3, 2012: Zoning Application ZAC-12-037 is deemed complete.

October 12, 2012: Notice of Complete Application and Preliminary Circulation for Zoning Application ZAC-12-037 sent to all residents within 120m of the subject lands.

October 19, 2012: Public Notice sign erected on the subject lands.

December 21, 2012: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

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**Details of Submitted Applications:**

**Location:** 726 Upper Gage Avenue (Hamilton)

**Owner:** St. Daniel's Drugmart

**Applicant:** Amgad Soryal Architect

**Property Description:** Area: 0.2805 hectares  
Frontage: 45.42m  
Depth: 61.76m

**Servicing:** Full Municipal Services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Former Canada Post Facility	"C" (Urban Protected Residential, Etc.) District
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single Detached Dwellings (opposite side of Seventh Avenue)	"C" (Urban Protected Residential, Etc.) District
<b>South</b>	Single Detached Dwelling	"C" (Urban Protected Residential, Etc.) District
<b>East</b>	Single Detached Dwellings (opposite side of Upper Gage Avenue)	"C" (Urban Protected Residential, Etc.) District
<b>West</b>	Former Vincent Massey Elementary School (owned by Hamilton-Wentworth District School Board) now used as Educational Archives and Heritage Centre	"C" (Urban Protected Residential, Etc.) District

**POLICY IMPLICATIONS**

**Provincial Policy Statement:**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1. It also implements Policies 1.1.3.2 and 1.1.3.3 with respect to the promotion of land use patterns based on a range of uses and opportunities for re-development which take into account existing building stock.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.

**Places to Grow: Growth Plan for the Greater Golden Horseshoe:**

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.2.1 states that population and employment growth will be accommodated by reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments, and encourages Cities to develop as complete communities with a diverse mix of land uses. The subject lands are within the “built-area”, which promotes the creation of employment and residential opportunities within established areas. The repurposing of the existing building to medical offices and a pharmacy, on an arterial road with surrounding residential and institutional uses, helps to accomplish these goals.

Based on the above, the proposal conforms with Places to Grow.

**Hamilton-Wentworth Official Plan:**

The subject property is designated “Urban Area” in the Hamilton-Wentworth 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. A compact urban form, including mixed-use areas, should also be promoted.

Based on the above, the proposal conforms with the Hamilton-Wentworth Official Plan.

**Hamilton Official Plan:**

The subject lands are designated “Residential” on Schedule “A” - General Land Use Plan in the Hamilton Official Plan. The following policies, among others, are applicable to the subject lands:

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- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and serving the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 ha in area, excluding Automobile Service Centres, in accordance with the Commercial Policies, as set out in Sub-section A.2.2 of this Plan. (O.P.A. No.128)
- A.2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this Plan, subject to the satisfaction of Council that the proposed office:
- i) Is situated on a major road;
  - ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;
  - iii) Will provide an acceptable amount of on-site parking; and,
  - iv) Will otherwise not detract from the character of the RESIDENTIAL area.
- A.2.1.6 Where compatible uses are permitted, to preserve the amenities of and support RESIDENTIAL USES in the area, new development will, subject to the Zoning Bylaw:
- i) Be required to be provided with adequate yards, off-street parking and loading, landscaping, screening, buffering, or other such measures as determined by Council; and,
  - ii) Not provide outside storage or engage in any use of land in a manner having a detrimental impact on the adjacent RESIDENTIAL USES.
- A.2.1.13 Plans for re-development will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced, and that the re-development will not burden existing facilities and services.

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- A.2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed 0.4 ha in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.
- A.2.2.27 It is not the intent of Council that the LOCAL COMMERCIAL category be included within the Commercial classification indicated on Schedule "A" to this Plan. Rather, it is the intent of Council that LOCAL COMMERCIAL uses may be permitted within the Residential designation of land use indicated on Schedule "A", subject to a specific application for an appropriate amendment to the Zoning By-law, and without the necessity of amending this Plan. The location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans.
- A.2.2.28 Notwithstanding the above provisions, when considering new development in this category, Council will give preference to the grouping of individual LOCAL COMMERCIAL uses in suitable locations to prevent the scattering of such establishments throughout Residential areas."

Based on the above, the proposed development would conform to the policies of the "Residential" designation. The subject lands are less than 0.4 ha in area, and the proposed commercial uses, consisting of medical offices and a pharmacy (considered retail), are permitted in the "Residential" designation.

The proposed development also meets the criteria for medical offices in the "Residential" designation, as the building would front onto a major road, has adequate parking, and is appropriately located with respect to residential uses as the proposal is an adaptive re-use of a building last used as a Canada Post facility. The subject lands directly abut one property containing a residential use, and there is an existing fence, landscaping, and a retaining wall separating the existing parking area from the abutting property that is proposed to be replaced/repared. Therefore, the proposed development would conform with the Hamilton Official Plan.

**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. The Minister of Municipal Affairs and Housing issued its decision on March 10, 2011, but the decision has been appealed by a number of parties and, at this time, the new Urban Hamilton Official Plan is not in effect.

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The new Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on both Schedule “E” - Urban Structure and Schedule “E-1” - Urban Land Use designations. The “Neighbourhoods” designation permits local commercial uses, including medical offices and clinics, subject to certain criteria. Policy E.3.8.2(b) only allows medical uses where it fronts on an arterial road and is adjacent to other commercial uses. The subject lands front onto an arterial road (Upper Gage Avenue), but are not adjacent to other commercial uses which, therefore, requires a policy exemption. In addition, Policy E.3.8.12 states that new local commercial uses shall be clustered and generally located at intersections of arterial and collector roads. The subject lands are at an intersection of an arterial road, so this provision is adhered to, but the property is not clustered with other local commercial uses. However, it is still an appropriate location for the re-development of the existing building to permit a local commercial use. Medical offices and a pharmacy are more compatible neighbourhood uses than a Canada Post mail sorting facility, which is similar to a light industrial use, not a local commercial use. Therefore, this exemption can be supported.

As the new Urban Hamilton Official Plan has been appealed to the Ontario Municipal Board (OMB), the applicant is currently unable to amend it as it is not in force and effect. Therefore, the proposed amendments to the Urban Hamilton Official Plan (see Appendix “C”) will be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, and following such final decision, the Planning and Economic Development Department will hold a Public Meeting pursuant to the provisions of the Planning Act to consider the proposed Urban Hamilton Official Plan Amendment.

**Neighbourhood Plan:**

The subject property is located within the Macassa Neighbourhood. There is no Neighbourhood Plan for the Macassa Neighbourhood.

**RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Public Works Department (Recreation Division).
- Horizon Utilities.



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The following Departments and Agencies submitted the following comments:

**Traffic Engineering Section (Public Works Department)** has advised that the front walkway connecting the barrier free parking spaces to the main entrance should be widened to 1.8m; that the angled parking spaces may be dimensioned incorrectly which could impact the viability of the adjacent parallel spaces; that the parallel spaces adjacent to the building could have issues with doors being impeded by the building; and that certain driveway areas should be marked as “no stopping”. These issues are discussed in the Analysis/Rationale for Recommendation section of this Report.

**Operations and Waste Management Division (Public Works Department)** has advised that commercial developments are eligible for weekly collection of garbage, organics, and recyclable material subject to compliance with municipal standards. This will be addressed through the Site Plan Control phase of development.

**Taxation Division (Corporate Services Department)** has advised that a small tax balance is outstanding to the end of October 2012, which represents the final instalment for 2012. Through the Site Plan Control process, all taxes are required to be paid in full prior to final approval and building permit issuance.

**Hamilton Municipal Parking System** has advised that the barrier free parking spaces should be 4.4m in width, which could impact the viability of 1 abutting parking space, and that the angled parking may not be dimensioned properly, which could impact the viability of the adjacent parallel spaces. These issues are discussed in the Analysis/Rationale for Recommendation section of this Report.

## **PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 79 property owners and tenants within 120m of the subject property on October 12, 2012, requesting public input on the application. A Public Notice sign was also posted on the property on October 19, 2012, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, 3 letters have been submitted. One letter writer's primary concern was the condition of the retaining wall on the southerly property line, while the other 2 letters expressed some concerns pertaining to parking and traffic issues, and that the lands should remain residential. These concerns are addressed in the Analysis/Rationale for Recommendation section of this Report. The public comments are attached as Appendix “F”.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe);
  - (ii) It conforms to the Hamilton-Wentworth Official Plan; the “Residential” designation in the Hamilton Official Plan; and upon establishing an Urban Hamilton Site-Specific Area, it conforms with the intent of the new Urban Hamilton Official Plan; and,
  - (iii) The proposed development provides for an adaptive re-use of the former Canada Post facility to a use more compatible with the surrounding residential and institutional land uses.
  
2. The proposed development is for the adaptive reuse of a former 1-storey Canada Post mail sorting facility to medical offices and a pharmacy. No exterior changes to the building are proposed, except for a new walkway and minor revisions to the existing parking area. Internal renovations would enable creation of a number of small medical offices, common hallways and washrooms, a staff cafeteria room, an accessory medical laboratory, and a pharmacy (see Appendix “E”). The pharmacy would have a separate access to the outside to function independent of the medical office component. The applicant is proposing revisions to the existing parking area to provide 34 parking spaces (see Appendix “D”). In order improve the design of the parking and manoeuvring areas, some of these need to be removed or reconfigured, which is discussed further in Sub-section 3 of this Report below.

A number of different zoning districts within Zoning By-law No. 6593 would permit medical offices and a pharmacy. However, as the subject lands are designated “Residential” in the Hamilton Official Plan, the range of uses permitted in the implementing zone must all be consistent with local commercial uses, as only local commercial uses are permitted in the “Residential” designation. In this regard, the “G” (Neighbourhood Shopping Centre, Etc.) District is the appropriate zone for the proposed development. This zone does not permit automobile oriented uses such as gas stations or repair garages, while still permitting a range of local commercial uses such as medical offices, general office uses, retail uses, and personal service establishments. A further zoning modification will eliminate a drive-thru as a permitted use even as an accessory use.

The proposed development constitutes good planning, as it establishes a local commercial use in place of a more intensive public use with characteristics of an industrial use. The proposal would provide neighbourhood medical and pharmacy services on an arterial road.

3. As noted in the “Relevant Consultation” section of this Report, comments were received from the Traffic Engineering Section of the Public Works Department and from Hamilton Municipal Parking System. The comments pertain to the dimensions and scaling of the angled parking, in that cars parked in these spaces would likely extend further easterly than shown on the plan, which could impede operation of the parallel spaces and the functioning of the driveway. In addition, parallel parking spaces directly adjacent to a building is not an ideal design (although cars could manoeuvre into these spaces) since if a car was parked in one of these spaces, passengers on the passenger side of the vehicle would not likely disembark properly so close to the building.

Finally, parking space 28 (see Appendix “D”) could interfere with vehicles entering the property, resulting in stacking onto Upper Gage Avenue. The removal of the 3 parallel parking spaces on the west side of the building and parking space 28 on the east side of the building is required to address the traffic comments from the Surveys and Technical Services Section of the Public Works Department and Hamilton Municipal Parking System.

A closer review of these matters will be undertaken at the Site Plan Control stage of development. However, in order to enable flexibility at the Site Plan Control stage to ensure the efficient design and functionality of the parking spaces, the implementing By-law should consider permission to eliminate 4 parking spaces. This would mean that 30 parking spaces would be available instead of the proposed 34 spaces, whereas 35 parking spaces are required.

4. In order to implement the development, as proposed on the preliminary site plan (see Appendix “D”), a number of zoning modifications are required. A review of the required modifications is as follows:

Planting Strip Modifications:

The By-law requires a landscaped planting strip of 1.5m in width adjacent to a residential district where parking abuts a residential district. Additional landscaping is required where parking abuts a street (which has been accommodated on the proposed site plan). There is an existing 1.5m landscaped planting strip along the southerly lot line adjacent to the single detached dwelling on the property to the south (which is also separated by a fence and retaining wall). The expanded southerly parking area also provides the required 1.5m wide landscaped planting strip. The lack of a formal

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landscaped planting strip along the westerly lot line is an existing situation. The property abuts an open field owned by the Hamilton-Wentworth District School Board to the west. Therefore, a planting strip along this property line would not serve a purpose to buffer parking or the commercial use from a sensitive land use. A large landscaped area for snow storage is still available at the southwest corner of the lot, and there is still sufficient space to the west of these parking spaces such that vehicles parked there would not overhang onto the adjacent property. Requiring a 1.5m landscaped planting strip along the west property line would impact the access driveway and viability of the parking in this area. As the modification reflects an existing situation, and it is not abutting a residential use, it can be supported.

Parking and Loading Modifications:

The By-law requires that parking spaces must be set back 6m from the property line for the portion of the parking area within 3m of a residential district. The parking area near Upper Gage Avenue is set back 4m, and the parking area near Seventh Avenue is set back approximately 1.8m. However, elimination of this requirement can be supported as, at a minimum, the required 2m landscaped planting strip is provided between the parking and the property line for the parking areas abutting both streets. There is also no residential use to the rear of the subject lands.

A modification is requested to the size of the parking spaces from 2.7m x 6.0m to 2.6m x 5.5m to bring the parking standard into line with the new Zoning By-law for the City of Hamilton (By-law No. 05-200). This modification can be supported, as it is the new standard for the entire city.

The applicant is proposing to eliminate the need for a 9m long loading space. There is no appropriate location for a loading space on the subject lands without severely curtailing the amount of on-site parking. Formerly, Canada Post delivery trucks adequately parked in the existing parking spaces on site. Medical offices do not have a high demand for large loading vehicles, and the pharmacy is also small and would not receive the quantities or volume of deliveries that larger retail pharmacies receive. Therefore, as the need for a dedicated loading space is not demonstrated and on-site options using the existing parking or drive-aisles exist for minor loading, the elimination of the required loading space can be supported.

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Finally, based on the gross floor area of the building, 35 parking spaces are required by the Zoning By-law (all for the medical offices, as the pharmacy is of a size that does not require off-street parking). The preliminary site plan proposed 34 parking spaces (see Appendix "D"). However, as previously discussed, 4 parking spaces need to be removed from the plan to improve manoeuvring and access resulting in a net total of 30 parking spaces, which is deficient by 5. A reduction in parking is appropriate, as the calculation for required parking for this development includes floor area for mechanical and equipment rooms, common hallways, common washrooms, an accessory lab, and a staff cafeteria, all of which are shared with the pharmacy. The medical offices have their own internal waiting rooms and washrooms. If the common washrooms, lab, cafeteria, and mechanical rooms were added to the medical office floor area, but the common hallway excluded, such as would occur in a single user medical clinic, 28 parking spaces would have been required.

Therefore, the proposed 30 parking spaces would be sufficient for the development. It is also likely that the medical offices and the pharmacy would have different hours, further staggering parking demands. Translating the available 30 parking spaces to a parking ratio equals 1 parking space per 22 sq. m of floor area for the medical office use, instead of the required 1 parking space per 19 sq. m of floor area. Neither the Traffic Engineering Section nor Hamilton Municipal Parking System have advised of any concerns pertaining to the amount of parking provided. Street parking is also available on Seventh Avenue.

5. The Public Consultation section of this Report noted that 3 letters were received from area residents. One letter writer had concerns with respect to property values and the condition of the existing retaining wall, while the other 2 letters had parking and traffic concerns (see Appendix "F"). A review of the comments from the public is discussed below.

Property Values:

A concern was raised that the proposal could impact the property value of the home to the south. Staff is not aware of any studies or empirical data that would support the concern about property devaluation. The proposal uses the existing building with only a minor change in the existing parking area, and landscaping and fencing is provided between the two properties.

Retaining Wall:

The property owner to the south provided photographs showing the retaining wall on the subject lands is in poor condition with many cracks and bowing occurring. The subject lands are lower than the residential property to the south, so should the retaining wall fail, there could be impacts on the property to the south. A Site Plan Control Application is required in order to effect the change of use and implement the revisions to the parking area required to provide the amount of parking proposed (and required by the Zoning By-law). Through this process, the condition of the retaining wall will be evaluated, and it is likely that repair and/or replacement of all or part of the wall will be necessary to ensure the stability of the slope and grade differential between the two properties. The applicant will be required to submit securities to the City of Hamilton to ensure the works are completed, as approved.

Parking and Traffic:

Two sets of comments were received indicating that insufficient parking may be available, and that there could be traffic impacts on the surrounding streets which could result in traffic accidents. In this regard, neither the Traffic Engineering Section of the Public Works Department, nor the Hamilton Municipal Parking System, expressed concerns pertaining to the amount of parking provided or the interface between the access driveways and Seventh Avenue and Upper Gage Avenue. As discussed below, the proposed access driveway design would mean less vehicles existing onto Seventh Avenue than the existing situation, and thus less turning movement conflicts at the intersection. Potential for traffic accidents would then be reduced.

While street parking is currently permitted on Seventh Avenue, should overflow parking become a concern for the neighbourhood, there is a process to petition the City of Hamilton to implement on-street permit parking only for residents.

Design suggestions were made pertaining to parking layout, which have been addressed in this Report and will be implemented through the Site Plan Control stage of development. It should be noted that the access driveway to Seventh Avenue (the local road) is one-way out only, while the Upper Gage Avenue driveway permits full turns. This means that all vehicles entering the site will be required to use Upper Gage Avenue, and vehicles leaving will use either Upper Gage Avenue or Seventh Avenue. The Seventh Avenue driveway would primarily be used for those parking in the angled parking spaces to exit the property (see Appendix "D"). Those parking on the south side of the property could readily exit via Upper Gage Avenue, especially as the intersection of Seventh Avenue and Upper Gage Avenue is not signalized or stop controlled.

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Therefore, it is not expected that Seventh Avenue would receive a significant amount of traffic from the proposed redevelopment.

Use of Property:

Two of the local property owners noted that the subject lands should remain with a low density residential zoning. Under this existing zoning, and based on the size of the property, should the existing building be demolished, approximately 5 lots for single detached dwellings could be constructed facing Seventh Avenue should land severance approval be obtained. Adaptive reuse of the existing building for a local commercial use is compatible with the surrounding neighbourhood and would not negatively impact the surrounding neighbourhood.

6. A daylight triangle is required to be dedicated to the City of Hamilton should the subject lands be subject to a more comprehensive re-development in the future. This dedication would not be taken at this time, as the proposed development utilizes the existing building only. Once the Urban Hamilton Official Plan is in effect, a future road widening along Upper Gage Avenue may also be necessary upon any major site re-development.
7. The “G” (Neighbourhood Shopping Centre, Etc.) District is subject to Site Plan Control. Matters such as the final layout of the parking and access driveways, fencing, the retaining wall, landscaping, grading, drainage, and servicing will be addressed through the Site Plan Control stage of development. This would also include ensuring adequate walkways and pedestrian connections to the major building entrances are achieved, whether additional landscaping can be obtained where parking abuts the street, and architectural improvements to the site such as canopies at building entrances, appropriate signage, and facilities for bicycles in order to implement the Council Approved Site Plan Guidelines.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, the lands could be developed in accordance with the current “C” (Urban Protected Residential, Etc.) District provisions, which would permit a single detached dwelling.

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**CORPORATE STRATEGIC PLAN**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

**Financial Sustainability**

- ◆ Effective and sustainable Growth Management.
- ◆ Generate assessment growth/non-tax revenues.

**Social Development**

- ◆ Newly created or revitalized employment sites.

**Healthy Community**

- ◆ Plan and manage the built environment.

**APPENDICES / SCHEDULES**

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Urban Hamilton Official Plan Amendment
- Appendix "D": Proposed Site Plan
- Appendix "E": Proposed Floor Plan
- Appendix "F": Public Comments

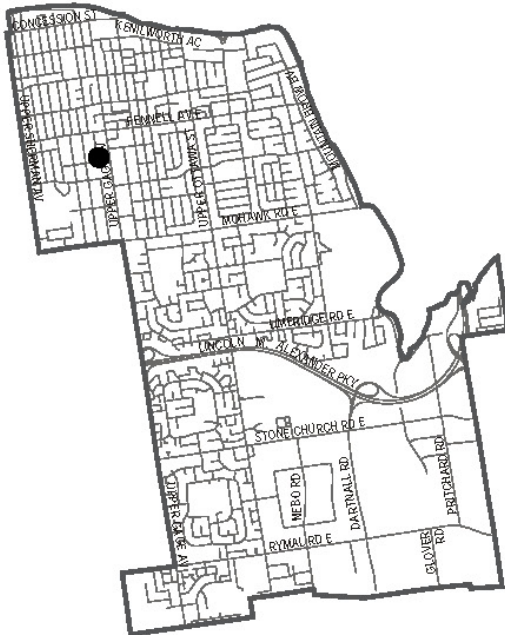
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Attachs. (6)





● Site of the Application



Ward 6 Key Map

N.T.S.



# Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-12-037

Date:  
November 9, 2012

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
GM/NB

**Subject Property**

726 Upper Gage Avenue



Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "G/S-1662" (Neighbourhood Shopping Centre, Etc.) District, Modified

**Authority:** Item [REDACTED]  
Planning Committee  
Report 13 [REDACTED] (PED13019)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY- LAW NO.** [REDACTED]

**To Amend Zoning By-law No. 6593  
Respecting Lands Located at 726 Upper Gage Avenue (Hamilton)**

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

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

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

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

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED] 2013, 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. That Sheet No. E-37 of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended as follows:
  - (a) By changing the zoning from the "C" (Urban Protected Residential, Etc.) District to the "G/S-1662" (Neighbourhood Shopping Centre, Etc.) District, Modified,  
  
on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.
2. That the "G" (Neighbourhood Shopping Centre, Etc.) District provisions, as contained in Section 13 of Zoning By-law No. 6593, be modified to include the following special requirements:
  - (a) That notwithstanding Sub-section 13.(1) of Zoning By-law No. 6593, no drive-through shall be permitted, even as an accessory use;
  - (b) That notwithstanding Sub-section 13.(9)(i) of Zoning By-law No. 6593, no planting strip shall be required along the westerly lot line adjoining a residential district or use;
  - (c) That notwithstanding Sub-section 18A.(1) of Zoning By-law No. 6593, 1 parking space per 22.0 sq. m of floor is required for a medical office(s) and/or clinic;
  - (d) That notwithstanding Sub-section 18A.(7) of Zoning By-law No. 6593, every required parking space, other than a parallel parking space, shall have dimensions not less than 2.6m wide and 5.5m long;
  - (e) That notwithstanding Sub-section 18A.(1) of Zoning By-law No. 6593, no loading space shall be required;
  - (f) That notwithstanding Sub-sections 18A.(11)(a) and 18A.(12) of Zoning By-law No. 6593, a parking area shall be permitted 0.0m from the adjoining westerly residential district boundary, and no planting strip or visual barrier is required along the westerly residential district boundary; and,
  - (g) That Sub-section 18A.(11)(b) shall not apply to the parking area along the southerly residential district boundary.

3. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1662.
4. That Sheet No. E-37 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1662.
5. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "G" (Neighbourhood Shopping Centre, Etc.) District provisions, subject to the special requirements referred to in Section 2 of this By-law.
6. That 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 [REDACTED] day of [REDACTED], 2013.

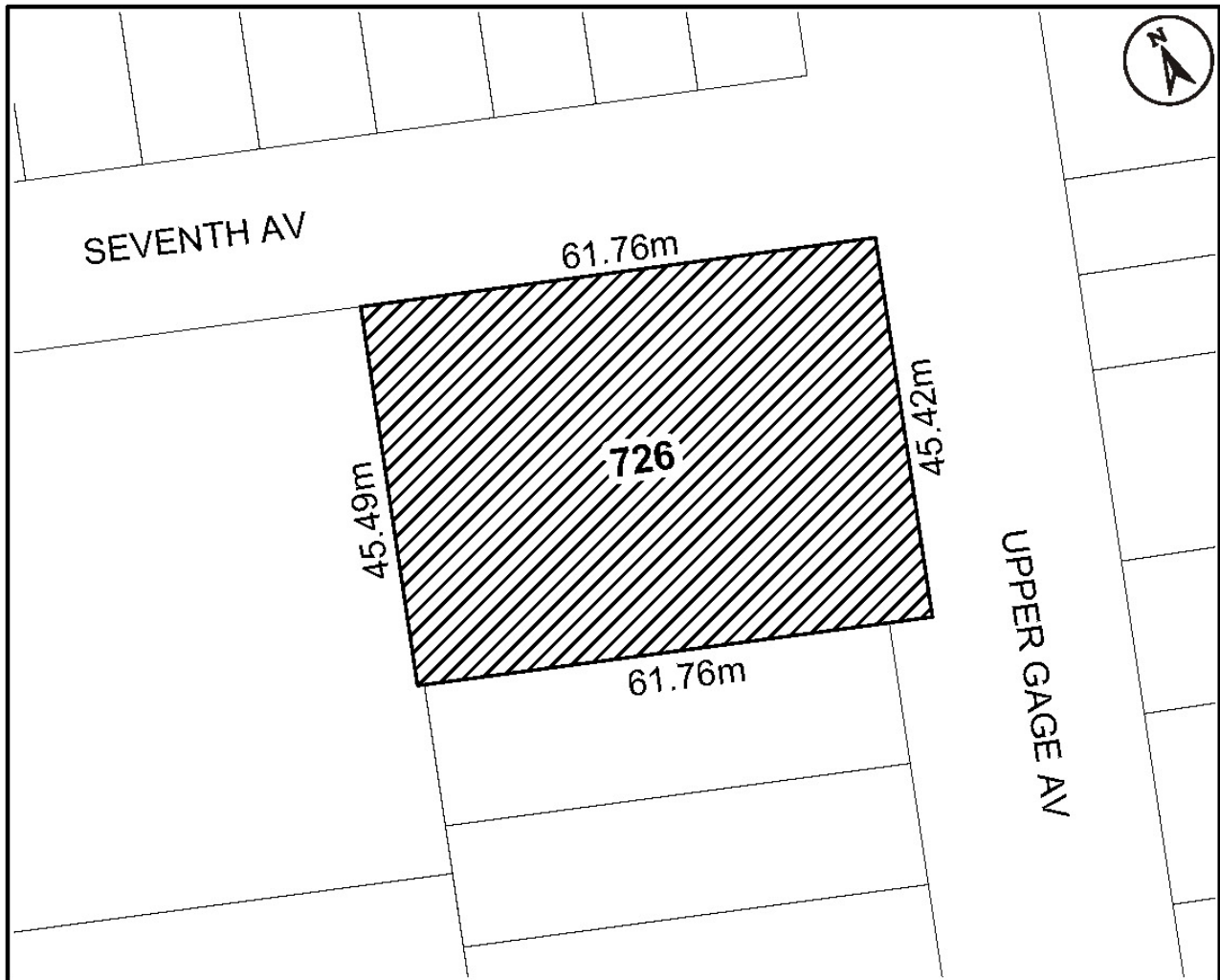
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R. Bratina  
Mayor

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Rose Caterini  
Clerk

ZAC-12-037



<p>This is Schedule "A" to By-Law No. 13-</p> <p>Passed the ..... day of ....., 2013</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-Law No. 13-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p><b>Subject Property</b></p> <p>726 Upper Gage Avenue</p> <p> Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "G/S-1662" (Neighbourhood Shopping Centre, Etc.) District, Modified</p>
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<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAC-12-037</p>	
<p><b>Date:</b> January 5, 2013</p>	<p><b>Planner/Technician:</b> GM/NB</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

**DRAFT Amendment No. [REDACTED]  
to the  
Urban Hamilton Official Plan**

The following text, together with Appendix "A" – Urban Hamilton Official Plan, Volume 3: Map 2 – Urban Site-Specific Key Map, attached hereto, constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose of this Amendment is to create a site-specific policy to permit local commercial uses and a medical clinic on the subject lands.

**2.0 Location:**

The lands affected by this Amendment are located at 726 Upper Gage Avenue, at the intersection of Upper Gage Avenue and Seventh Avenue, in the former City of Hamilton

**3.0 Basis:**

The basis for permitting this Amendment is as follows; the proposed Amendment:

- Is consistent with the Provincial Policy Statement and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe); and,
- The proposed development provides for an adaptive re-use of the former Canada Post facility to a use more compatible with the surrounding residential and institutional land uses.

**4.0 Changes:**

**4.1 Text Changes:**

**Volume 3 – Special Policy Areas, Area Specific Policies and Site Specific Policies**

4.1.1 Volume 3, Chapter C – Urban Site-Specific Policies is amended by adding the new site-specific policy, as follows:

"UHN-X Lands located at 726 Upper Gage Avenue, former City of Hamilton.

1.0 Notwithstanding Policies E.3.8.2 b) and 3.8.12 - Local Commercial - Neighbourhoods Designation of Volume 1, local commercial uses, including a medical clinic, shall be permitted.

**4.2 Mapping Changes:**

4.2.1 Urban Hamilton Official Plan Volume 3, Map 2 – Urban Site-Specific Key Map is revised by adding the location of Site-Specific Policy UHN-X, as shown on Appendix "A", attached to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-law Amendment and Site Plan will give effect to this Amendment.

This is Schedule "1" to By-law No. \_\_\_\_\_ passed on the [ ] day of [ ], 2013.

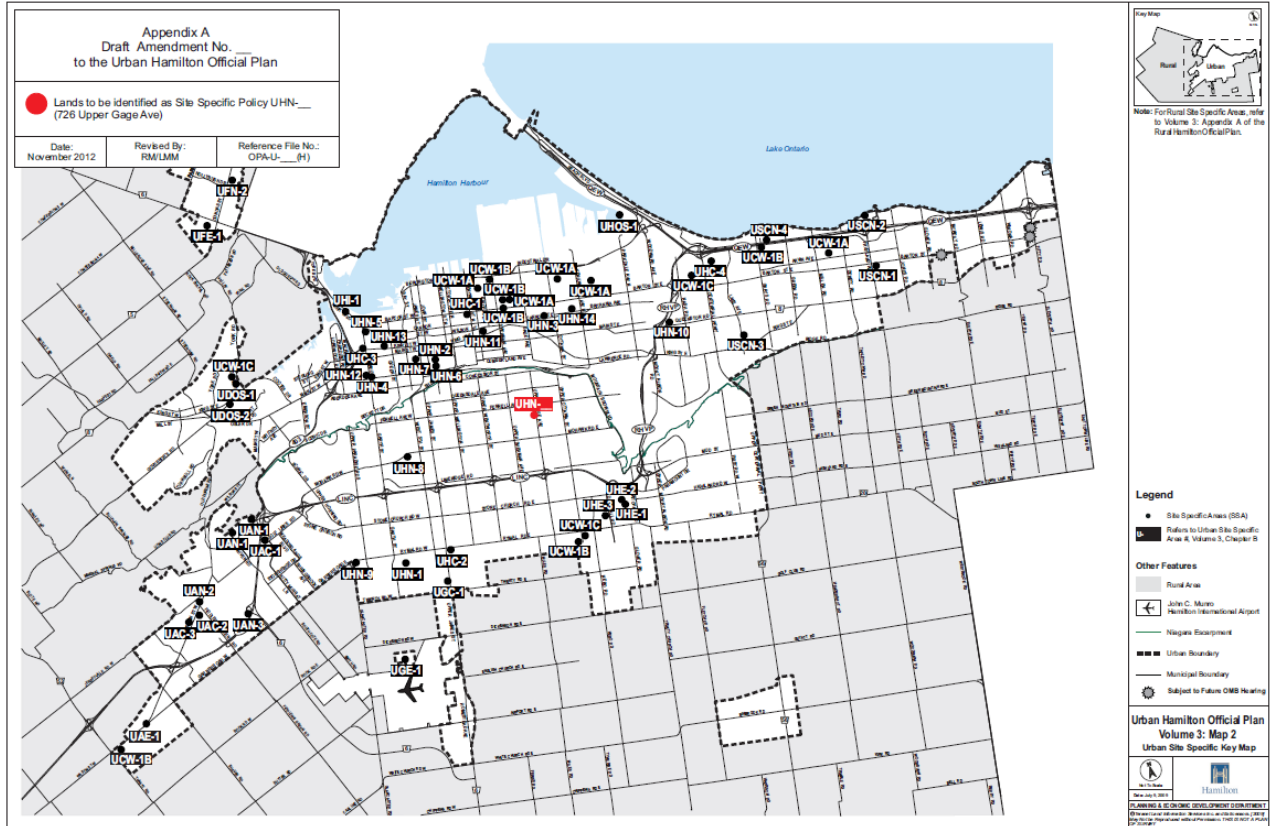
**The  
City of Hamilton**

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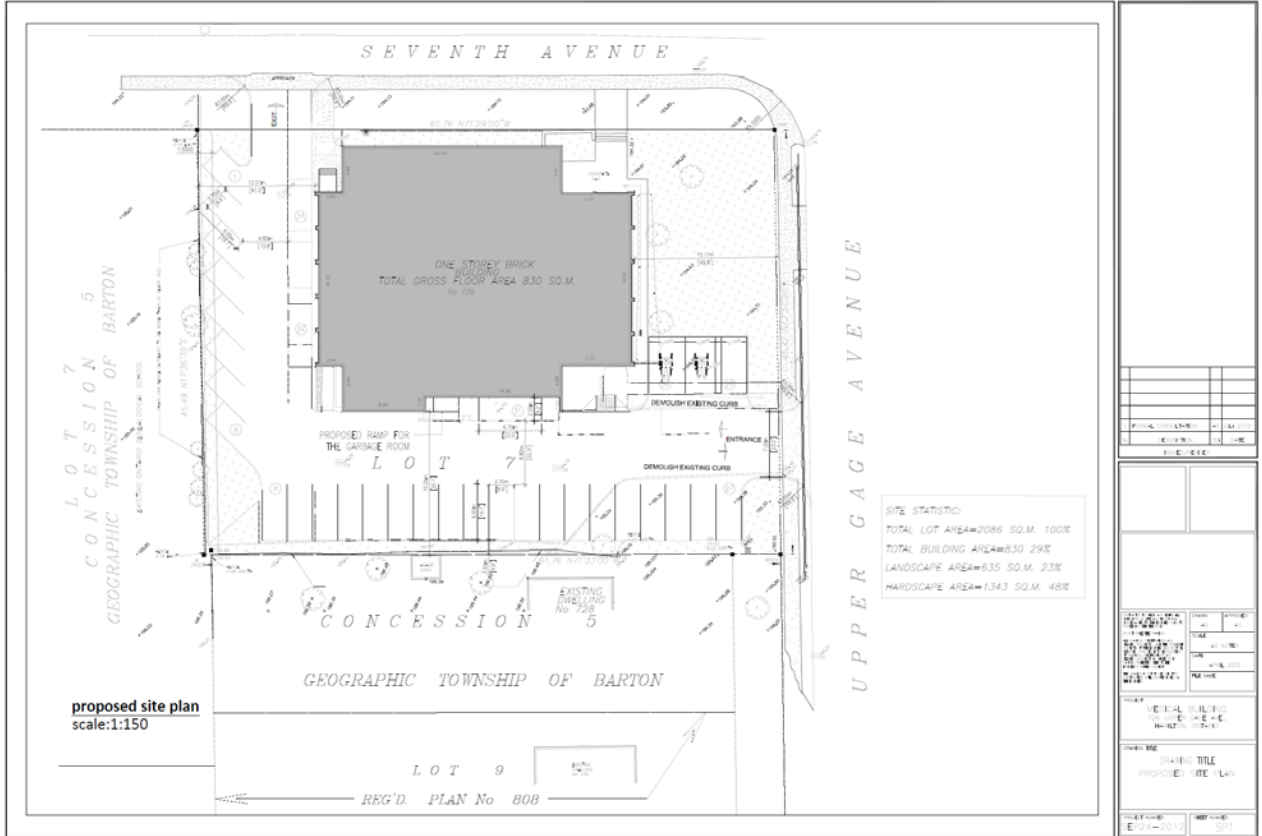
R. Bratina  
MAYOR

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Rose Caterini  
CLERK





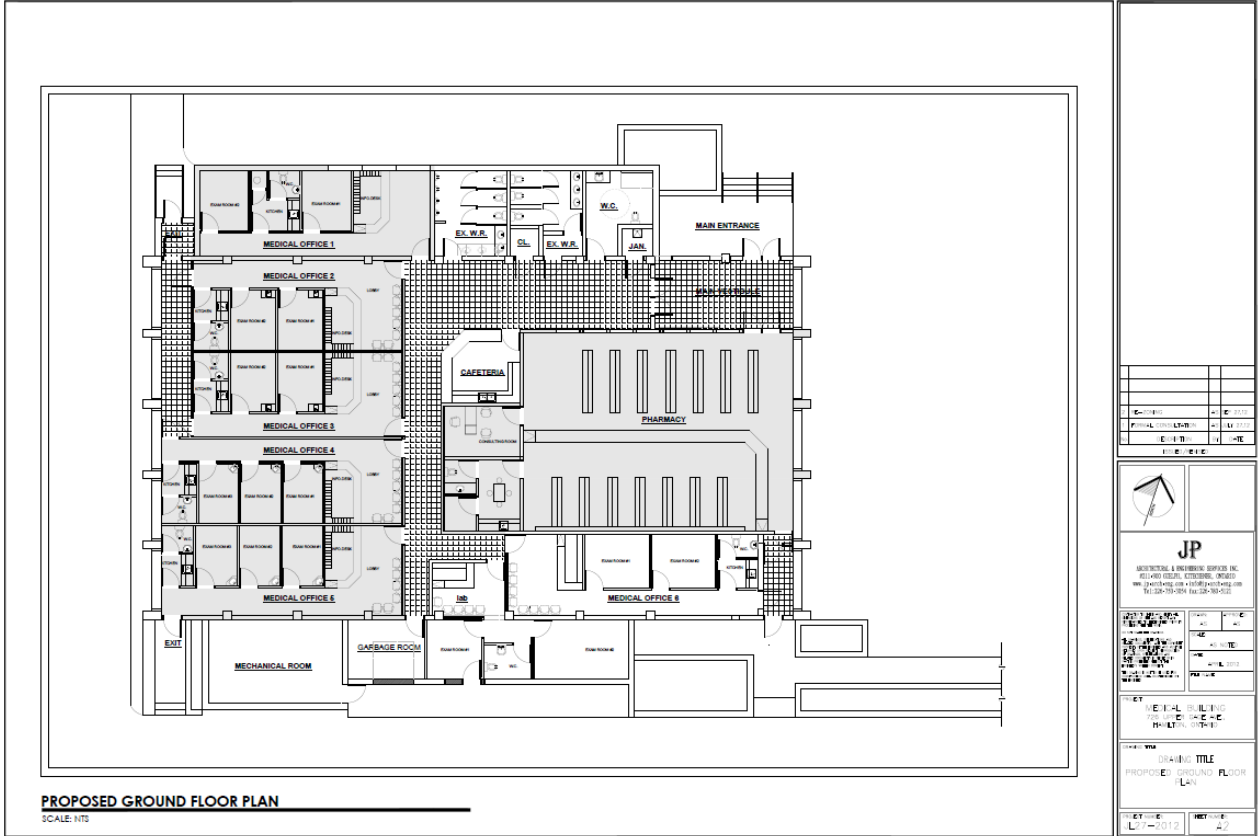


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15 October 2012

Jacqueline Kelly

717 Upper Gage Ave

Hamilton ON L8V 4J9

RECEIVED  
OCT 23 2012

Greg Macdonald City of Hamilton

Planning and Economic Development Department

Planning Division-Development Planning-East Section

71 Main West 5<sup>th</sup> floor, Hamilton ON L8p 4Y5

FILE NO: ZAC-12-037

Dear Sir:

Regarding zoning By-law Amendment of 726 Upper Gage, former Canada Post Facility aka Depot 5

I have two concerns to address:

- Will our property value go down, regarding this new zoning to a Medical Centre and pharmacy.
- Secondly, what about traffic issues in this area regarding customers exiting left on Upper Gage from Seventh Ave. this is a very busy street in the daytime.

Thank you in advance

Jacqueline Kelly

RECEIVED  
OCT 23 2012

Margaret and Stephen Harflett  
727 Upper Gage Avenue  
Hamilton, Ontario, L8V4J9

Greg Macdonald, City of Hamilton  
Planning and Economic Development Department  
Planning Division – Development Planning – East Section  
71 Main Street West, 5<sup>th</sup> Floor  
Hamilton, Ontario, L8P4Y5

RE: Zoning By-law Amendment Application (File No: ZAC-12-037)

Dear Mr. McDonald:

Having lived across the street from the building in question for 28 years, we have concerns regarding the re-zoning of this property.

Attached is a copy of an article from the Mountain News, dated July 19 2012, that outlines what the new owners want to do with the building. They state that they want a medical center that includes a lab, x-ray, dentist, doctors, and walk-in clinic that could employ 60 or more people, by reason that there is nothing like this nearby.

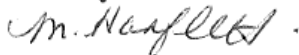
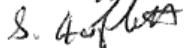
That is patently untrue. There is a lab at Fennell and Upper Gage, along with dental offices, Shoppers Drug Mart, and an independent pharmacy on the west side of Upper Gage at Fennell. Going towards Mohawk, there are at least two other dental offices, Dell Pharmacy, etc.

Parking will be a huge issue as there are few spots at this location which would barely cover the proposed staffing in the building, not to mention patient parking. To increase parking on Seventh Avenue as proposed by Alderman Jackson seems quite unfair to the residents of that street, along with the concern of children walking to Blessed Sacrament school which backs on to Seventh Avenue.

When the original post office was full service and open to the public, there were numerous accidents in front of our house with people stopping suddenly to turn left. Traffic has increased quite substantially on Upper Gage since that time, and this could also be a safety concern.

While we appreciate the fact that these gentlemen have been investing in the community for the last 12 years, we feel there is enough commercial real estate bordering Upper Gage from Fennell to Mohawk and that this property should remain residential.

Sincerely,



Margaret and Stephen Harflett

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## \$2 million development planned for Upper Gage

**Pharmacists look to turn former post office building into medical centre**

BY MARK NEWMAN  
 NEWS STAFF

A couple of city pharmacists want to turn the former Canada Post building on Upper Gage into a full-service medical building that could include a walk-in clinic.

"This would be a nice location for the medical building since there is nothing nearby," said Ayman El-Attar, pharmacist and owner of two (soon to be three) Daniel Drug Mart pharmacies on the Mountain. "We're thinking of having a lab, x-ray, a dentist, a walk-in clinic and doctors' offices in there."

El-Attar and his partner Maher Fatis, another Mountain pharmacist, recently purchased the single storey, 7,500-square-foot postal outlet south of Fennell Avenue with plans to extensively renovate the building and add a second floor.

At full capacity El-Attar said the medical centre could employ 60 or more people.

He noted a number of local doctors have expressed interest in relocating there and it would be up to those doctors if they wish to operate a walk-in clinic or individual medical practices.

The building had been listed for sale at \$549,000, but El-Attar said there were three other potential buyers which drove up the price.

While he won't say what they

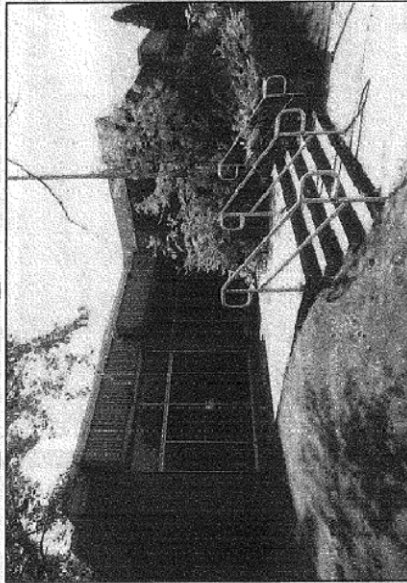


PHOTO BY GORDI BLUMES

**The former Canada Post building at Upper Gage and 7th Avenue has been sold and is destined to be a medical building.**

paid for the building. El-Attar said the total cost of purchasing the property, plus renovations should top \$2 million.

"I've been investing in this community for the last 12 years," he said.

Planned renovations include a new main entrance, landscaping and repaving the parking area around the back and south side of the building that can hold about 40 vehicles.

The property is currently zoned institutional and must be changed to commercial for the development to proceed.

out any chance of the business acquiring some of the nearby green space behind the former Vincent Massey School that the city purchased from the public school board more than a year ago.

The councillor said he's spoken to some of the community leaders in the area about the proposed development and so far the reaction has been favourable.

There is also the matter of what to do about the garden wall near the building's current main entrance.

The wall contains some stones from Barton Number 7 school, the first elementary school on the Mountain, that once sat on a small hill about 300 feet to the south of the building.

Some local heritage advocates are urging those stones be taken out and moved to Peace Memorial Park, citing a connection between the two locations.

The East 36th Street park is where Peace Memorial School once stood and students who would normally have attended Barton Number 7 were transferred to Peace Memorial when Barton was closed and torn down in 1968.

El-Attar said they're aware of concerns about the stones and want to work something out as part of the approval process.

"We believe in heritage things," he said. "This is going to be saved either where it is or we're going to give it to the people that will take care of it."

El-Attar, a west Mountain resident, said they are working with the city to get the new designation.

A formal application for a zoning change is still to come.

"Overall, I think the project has merit," said east Mountain councillor Tom Jackson, who expects the project to come before the planning committee in the fall at the earliest. "I expect the matter to be dealt with before the end of the year."

Jackson noted parking may be an issue and while he's open to the possibility of having some on-street parking along 7th Avenue, he ruled



**YACHETTI, LANZA & RESTIVO**

**BARRISTERS & SOLICITORS**

154 Main Street East, Suite 100, Hamilton, Ontario L8N 1G9  
Telephone (905) 528-7534 Fax (905) 528-9928

October 30, 2012

VIA FAX COMMUNICATION  
905-546-4202

& E-MAIL COMMUNICATION  
greg.macdonald@hamilton.ca

City of Hamilton  
Planning and Economic Development Department  
Planning Division - Development Planning - East Section  
71 Main Street West  
5<sup>th</sup> Floor, Hamilton, ON L8P 4Y5

Attention: Mr. Greg Macdonald

Dear Sir:

RE: FILE NO. ZAC-12-037  
AND RE: 726 Upper Gage Avenue, Hamilton, ON

Please be advised that we are the solicitors for Mr. and Mrs. Doesborgh, the owners of the adjoining property at 728 Upper Gage Avenue, Hamilton, Ontario. On behalf of our clients, please accept this letter as a formal Notice of Objection to the zoning change. For your information, our clients have lived for many years with a non-residential neighbour, and have experienced serious hardship as a consequence thereof. In particular, please find attached hereto photographs of a retaining wall between our clients' property and the subject property, which clearly set out a retaining wall which is giving way. The failure of this retaining wall has caused significant damage to our clients' fence and landscaping and is causing significant erosion of our clients' lands. This problem has been drawn to the attention of the adjoining land owner on several occasions, and there has been no resolution. As such, our clients would prefer that the land remain residential and that there be 'in-filling' in accordance with the City's current policies.

For your information, our clients' position might change if there was an assurance that the contemplated development would include rectification of the retaining wall to our clients' satisfaction. Failing this assurance, our clients' position remains as set out above. In due course, please provide a copy of the Staff Report prior to the public meeting to our clients and to the writer's attention.

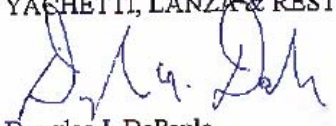
Roger D. Yachetti, Q.C.  
Jack S. Restivo, B.A., LL.B.  
Douglas J. De Paulo, LL.B.

Francis A. Lenza, B.A., LL.B.  
J. Ivan Marini, LL.B.  
Alanna C. Stephen, B.A., LL.B., J.D.

We thank you for your anticipated cooperation.

Yours very truly,

YACHETTI, LANZA & RESTIVO

A handwritten signature in blue ink, appearing to read "D. J. DePaulo", is written over the printed name.

Douglas J. DePaulo

DJD:jb

Encl.

cc Mr. & Mrs. Doesborgh





