

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chairs and Members Planning Committee	WARD(S) AFFECTED: WARD 1
COMMITTEE DATE: January 14, 2014	
SUBJECT/REPORT NO: Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 981 - 985 King Street West (Hamilton) (PED14007) (Ward 1)	
SUBMITTED BY: Joe-Anne Priel Acting General Manager Planning and Economic Development Department	PREPARED BY: Timothy Lee (905) 546-2424 Ext. 1249
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Zoning By-law Amendment Application ZAR-13-021, by Aegean Enterprises, Owner**, for a change in zoning from the “G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified, to the G/S-1361a” (Neighbourhood Shopping Centre, etc.) District, Modified, to permit a dance studio as an additional permitted use, on lands located at 981 - 985 King Street West (Hamilton), as shown on Appendix “A” to Report PED14007, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED14007, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as “G/S-1361a”; and,

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- (iii) That the proposed modification in zoning conforms to the Urban Hamilton Official Plan (UHOP) and the Ainslie Woods Westdale Secondary Plan.

EXECUTIVE SUMMARY

The purpose of the application is to modify the Hamilton Zoning By-law on lands municipally known as 981 - 985 King Street West (Hamilton), in order to add a dance studio as a permitted use within an existing three-storey, mixed-use commercial/residential building (See Appendix “C”).

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement (PPS), and conforms to Places to Grow and the UHOP. The proposal will allow for an efficient use of land by permitting an additional commercial use on a property within the existing urban area.

Alternatives for Consideration – See Page 10.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal:

The subject property, known as 981 – 985 King Street West (Hamilton), is located on the south side of King Street West, east of Marion Avenue South, and west of the Westdale Library (See Appendix “A”). The subject lands consist of a three-storey, mixed-use, commercial/residential building on the west side of the subject lands, and associated visitor parking on the east side of the subject lands.

The mixed-use building currently contains an existing dance studio which is not permitted under the “G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified zoning provisions. As a result, a Zoning By-law Amendment application is required.

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The purpose of this application is to add a dance studio as an additional permitted use within the existing, three-storey, mixed-use building, in order to legally permit the use. No other changes to the zoning provisions are proposed (See Appendix “B”).

Chronology:

- July 5, 2013: Application ZAC-13-018 is deemed complete.
- July 15, 2013: Notice of Complete Application and Preliminary Circulation of Application sent to 42 property owners within 120 m. of the subject lands.
- August 23, 2013: Public Notice Sign posted on the subject lands.
- December 20, 2013: Circulation of Notice of Public Meeting to all residents within 120 m. of the subject lands.

Details of Submitted Application:

Location: 981 - 985 King Street West (Hamilton)

Owner/Applicant: Aegean Enterprises

Property Description:

<u>Lot Frontage:</u>	76.2 m.
<u>Lot Depth:</u>	30.4 m.
<u>Total Lot Area:</u>	2,316.48 sq. m.

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Mixed-Use Commercial/Residential Building	“G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified
<u>Surrounding Lands:</u>		
North	Commercial Retail; Multiple Dwelling	“G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified
South	Single Detached Dwelling	“C/S-1361” (Urban Protected Residential) District, Modified

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East	Westdale Public Library	"G/S-1361" (Neighbourhood Shopping Centre, etc.) District, Modified
West	Financial Institution	"G/S-1361" (Neighbourhood Shopping Centre, etc.) District, Modified

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement

The application has been reviewed with respect to the PPS policies that contribute to the development of healthy, liveable, and safe communities as contained in Policy No. 1.1.1. In particular, the application is consistent with Policy No. 1.1.1b), accommodating an appropriate range and mix of employment uses, to meet long-term needs.

Also, the application is consistent with Policy No. 1.1.1e), which promotes cost-effective development standards to minimize land consumption and servicing costs, and Policy No. 1.1.3.2a), where land use patterns shall be based on densities and mix of land use which efficiently uses land, infrastructure, and resources.

Based on the foregoing, the proposal to permit a dance studio as an additional permitted use within the existing, mixed-use building, is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The subject property is located within the Built-Up Area, as defined in the Plan. The application conforms to Section 1.2.2, where some of the guiding principles of the Plan are to "build compact, vibrant, and complete communities", "plan and manage growth to support a strong and competitive economy", and to "optimize the use of existing and new infrastructure to support a compact, efficient form."

The application also conforms to Section 2.2.2, where the proposed development will contribute to the City's objective of reducing the dependence on the automobile through the reinforcement of the existing mixed-use, transit-supportive urban environment, ensure the availability of sufficient land for employment to accommodate forecasted growth to support economic competitiveness, and to encourage cities to develop complete communities with a diverse mix of land uses, and a range and mix of employment. The subject lands are located on a commercial corridor abutting established residential uses, and are located along an existing bus route.

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The proposal to permit a dance studio as an additional permitted use within the existing, mixed-use building conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Urban Hamilton Official Plan

The majority of the UHOP is now in force and effect, except for some of the residential intensification policies and other site specific appeals.

The subject lands are designated “Mixed Use - Medium Density” on Schedule “E-1” – Land Use Designations. Policy No. E.4.6.5a) permits a range of commercial uses such as retail stores, personal services, financial establishments, and artist studios. In addition, under Policy E.4.0 – Commercial and Mixed Use designation, permitted retail and service commercial uses in the Mixed Use designations, are a key component of the planned function of a commercial corridor, as these uses provide an important commercial service to the surrounding community. The following policies under E.4.0 – “Commercial and Mixed Use Designation” and Policy E.4.5 – “Mixed Use – Medium Density” designation apply:

- “E.4.1.3 Create comfortable, walkable and stimulating pedestrian streets along key roads within the mixed use areas.

- E.4.1.4 Maintain an appropriate distribution of retail and commercial services in each neighbourhood in order to meet the day-to-day and weekly shopping needs of residents and in locations which are highly accessible by active transportation and transit, as well as the automobile.

- E.4.2.4 The majority of retail and service commercial uses shall be directed to the Mixed Use designations in the Urban Nodes and Urban Corridors.

- E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.

- E.4.6.2 The Mixed Use – Medium Density designation shall be applied to traditional “main street” commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm.”

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The application to permit a dance studio as an additional permitted use within the existing, mixed-use building will provide for an additional commercial destination within the Westdale core area, and will maintain a sense of place by ensuring that a variety of different commercial uses will provide for a vibrant, comfortable, walkable, and stimulating pedestrian environment. In addition, the pedestrian realm will be improved as the additional commercial use will attract additional residents and visitors to the Westdale core area during all times of the day.

In accordance with Table E.4.3.1 and Policy No. E.4.3.1, the subject lands are also located along a pedestrian predominant street, which are typically characterized as streets that are intended to cater to the pedestrian by creating a comfortable, active, and visually stimulating walking environment. The proposal to permit a dance studio as an additional permitted use within the existing, mixed-use building, maintains and enhances the attractiveness of King Street West, creating a sense of place and vibrant pedestrian activity for residents and visitors. The additional use encourages the diversity of visitors within the Westdale core area at all times of the day.

No changes are proposed to the existing, three-storey, mixed-use building and associated visitor parking lot. However, the application meets Policy No. E.4.6.17 where the existing building has been developed in a compact urban form with a streetscape design, and building arrangement that supports pedestrian use and circulation, and creates vibrant people places. The addition of the proposed use will maintain the strong pedestrian use and circulation of the subject lands, which is characterized as being located close to the King Street West lot line and having a variety of commercial retail uses, such as a drug store, within the existing building. In addition, the existing building conforms to Policy No. E.4.3 with respect to creating an attractive and active pedestrian predominant street.

Based on the foregoing policies, the proposal to permit a dance studio as an additional permitted use within an existing, mixed-use building conforms to the UHOP.

Ainslie Woods Westdale Secondary Plan

The subject lands are designated “Mixed Use – Medium Density – Pedestrian Predominant” on Map B.6.2-1 – Ainslie Woods Westdale Secondary Plan of Volume 2 of the UHOP. The proposed dance studio is a permitted commercial use under the “Mixed Use – Medium Density” designation in Volume 1, Policy No. E.4.6.5a). In addition, the following policies apply:

“B.6.2.7.1 The objectives for Mixed Use – Medium Density designated areas and Mixed Use – Medium Density – Pedestrian Predominant designated areas are as follows:

- b) Provide commercial areas in combination with other uses to serve the needs of local residents and visitors;
- c) Support the destination shopping role of the Westdale core area along King Street, which serves the local community as well as a wider regional market;

B.6.2.7.2 In addition to Section E.4.0 – Commercial and Mixed Use Designations of Volume 1, the following policies shall apply to the lands designated Mixed Use – Medium Density and Mixed Use – Medium Density – Pedestrian Predominant on Map B.6.2-1 – Ainslie Wood Westdale – Land Use Plan:

- j) The Westdale commercial area located on King Street West between approximately the eastern leg of Cline Avenue North and Newton Avenue is designated Mixed Use – Medium Density – Pedestrian Predominant. This area shall be reinforced as the traditional heart and community focus for Ainslie Wood Westdale. A mixture of commercial and residential uses shall be encouraged. The needs of the Westdale commercial area may be addressed by means such as:
 - i) Commercial designations and zoning which supports mixed use buildings, namely ground-floor retail such as shops, office, local commercial, with apartments on upper floors.”

The proposal to add a dance studio as an additional permitted use satisfies the above commercial policies, as the proposed use will add to the variety of commercial uses along the Westdale core area. The use will attract additional residents and visitors who may not regularly visit the Westdale core area, and results in a more vibrant pedestrian environment. In addition, the dance studio use maintains the pedestrian predominant policy by encouraging a mix of commercial uses within an existing, mixed-use building.

Based on the above policies, the proposal to permit a dance studio as an additional permitted use within the existing, mixed-use building conforms to the Ainslie Woods Westdale Secondary Plan.

RELEVANT CONSULTATION

The following internal Departments and external Agencies had no concerns or objections to the proposed application:

- Corridor Management, Public Works Department.

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- Source Water Protection, Public Works Department.
- Recreation Division, Community and Emergency Services Department.
- Hamilton Conservation Authority.
- Hamilton Municipal Parking System.
- Horizon Utilities.
- Taxation, Corporate Services Department.

Waste Management Section (Public Works Department):

The proposed development is ineligible for municipal collection of garbage, recycling, organics, and leaf and yard waste. Collection of garbage, recycling, organics, and leaf and yard waste must be provided through a private waste hauler. In addition, recycling is highly encouraged.

Public Consultation:

In accordance with the new provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 42 property owners within 120 m. of the subject property on July 15, 2013. To date, no letters have been received by staff. A Public Notice Sign was posted on the property on August 23, 2013.

Notice of Public Meeting was given in accordance with the requirements of the Planning Act through circulation to property owners within 120 m. of the subject lands. The Public Notice Sign was updated on December 11, 2013, with respect to the date of the Public Meeting.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the PPS, which supports a mix of commercial and residential uses within an Urban Area;
 - (ii) It conforms with Places to Grow, which encourages the development of complete communities with a diverse mix of land uses, and a mix and range of employment and housing types;
 - (iii) It conforms to the UHOP by creating an attractive and vibrant pedestrian environment;

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- (iv) It conforms to the policies of the Ainslie Woods Westdale Secondary Plan; and,
 - (v) The proposed development will contribute to a variety of commercial uses within an existing, mixed-use building, and contributes to a comfortable and attractive pedestrian environment in the Ainslie Woods - Westdale core area.
2. The subject lands are zoned “G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified, which permits residential and commercial uses. To accommodate the dance studio as an additional permitted use, the property will be rezoned to the “G/S-1361a” (Neighbourhood Shopping Centre, etc.) District, Modified, which is supported by the UHOP policies, with respect to maintaining and enhancing an attractive pedestrian environment.

Section 13(1) permits commercial uses such as professional offices, financial institutions, personal services, restaurant, theatres, and retail establishments. However, as the existing dance studio is defined as a commercial school in the By-law, the dance studio use is not permitted.

A site-specific zoning provision has been added into the implementing By-law to permit a dance studio as an additional permitted use (See Appendix “B”). As a commercial school includes a business college, commercial gymnasium, barber’s college, among others, staff recommended that the type of commercial school to be permitted on the subject lands be limited to a dance studio only. As all types of commercial schools have the same parking requirements, this would address potential issues that may arise from other types of commercial schools, such as a business school or beautician school, where the subject lands may not be suitable due to its operations with respect to parking demands, and the overall intensity such schools may have on the surrounding Westdale core area. As a commercial school is within the existing shopping mall, the addition of a dance studio as a permitted use will not increase the parking requirements. In addition, the existing parking lot is considered as a legal non-conforming situation, and no further variances are required for parking.

3. Staff have no concerns with the application from a grading and drainage perspective, as the nature of the application is to permit a dance studio as an additional permitted use. No change to the existing building or associated parking lot is anticipated.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property can continue to be developed for commercial retail uses in accordance with the provisions of the “G/S-1361” (Neighbourhood Shopping Centre, etc.) District, Modified, of the Hamilton Zoning By-law. Permitted uses include, but are not limited to, professional office, bank, personal service, restaurant, and retail.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).


APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law
- Appendix “C”: Concept Plan




Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Hamilton

File Name/Number: ZAR-13-021	Date: November 12, 2013
Appendix "A"	Scale: N.T.S.
Planner/Technician: TL/AL	

Subject Property
981 & 985 King Street West

 "Change in Zoning from the G/S-1361" (Neighbourhood Shopping Centre, etc.) District, Modified, to the G/S-1361a "(Neighbourhood Shopping Centre, etc.) District, Modified"

Authority: Item [REDACTED]
Planning Committee
Report: 14-[REDACTED] (PED14007)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 981 and 985 King Street West (Hamilton)

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Hamilton", and is the successor of 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 or the City of Hamilton;

AND WHEREAS Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July 1950, which 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 14-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2014, recommended that Zoning By-law No. 6593 (Hamilton) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved by the Minister under the Planning Act on March 16, 2011;

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

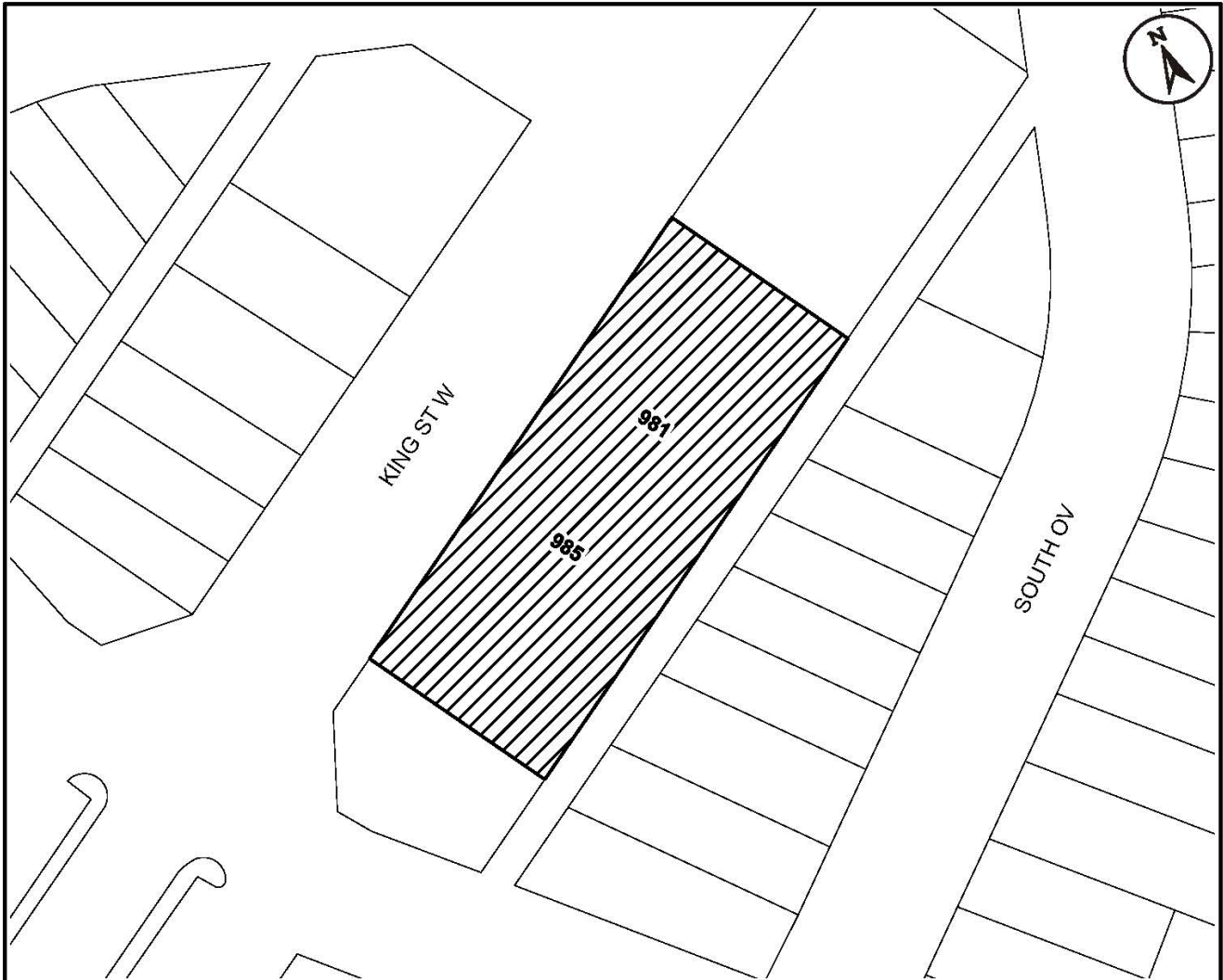
1. That Sheet No. W-33 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is further amended by changing the zoning from the "G/S-1361" (Neighbourhood Shopping Centre, etc.) District, Modified, to the "G/S-1361a" (Neighbourhood Shopping Centre, etc.) District, 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 regulations, as contained in Section 13 of Zoning By-law No. 6593, are modified to include the following special provisions:
 - (a) That notwithstanding Section 13(1) of Zoning By-law No. 6593, a dance studio shall also be permitted.
4. That Zoning By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1361a.
5. That Sheet W-33 of the District Maps is amended by marking the lands referred to in Section 1 of this By-law as S-1361a.
6. 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/S-1361" (Neighbourhood Shopping Centre, etc.) District, Modified, subject to the special requirement referred to in Section 2.
7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2014.

R. Bratina
Mayor

R. Caterini
Clerk

ZAC-13-021



This is Schedule "A" to By-law No. 14-

Passed the day of, 2014

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 14-_____

to Amend By-law No. 6593

Subject Property

981 & 985 King Street West



Change in Zoning from the "G/S-1361"
(Neighbourhood Shopping Centre, etc.)
District, Modified, to the "G/S-1361a"
(Neighbourhood Shopping Centre, etc.)
District, Modified"

Scale:
N.T.S.

File Name/Number:
ZAR-13-021

Date:
Nov. 28, 2013

Planner/Technician:
TL/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

