



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
 Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	July 5, 2016
<b>SUBJECT / REPORT NO:</b>	Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3017 Homestead Drive, Glanbrook (PED16127) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Michael Fiorino Planner II (905) 546 - 2424 Ext. 4424  Steve Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to **Urban Hamilton Official Plan Amendment Application UHOPA-15-025 by Edmond Ciardullo (owner)**, for a Site Specific Policy amendment to the Mount Hope Secondary Plan to permit a Garden Centre as a primary use and an existing single detached dwelling as an additional use, for lands located at 3017 Homestead Drive, Glanbrook, as shown on Appendix “A” to Report PED16127, on the following basis:
  - (i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED16127, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council.
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan.
- (b) That approval be given to **Zoning By-law Amendment Application ZAR-15-054, by Edmond Ciardullo (owner)**, for a change in zoning from the Existing Residential “ER” and Deferred Development “DD” Zones, to the General Commercial “C3-300” Zone, Modified, for the lands located at 3017 Homestead

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Glanbrook as shown on Appendix “A” to Report PED16127, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED16127, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan; and,
- (iii) That the proposed change in zoning will comply with the Urban Hamilton Official Plan upon finalization of the Urban Hamilton Official Plan Amendment No. XX.

**EXECUTIVE SUMMARY**

The applicant has applied for an Urban Hamilton Official Plan (UHOP) Amendment and a Zoning By-law Amendment for lands located at 3017 Homestead Drive in Glanbrook. The proposal is to permit the development of a Garden Centre as a primary use and to permit the existing single detached dwelling to remain as an additional use, as shown on the Concept Plan attached as Appendix “D” to Report PED16127.

The applications have merit and can be supported because they are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe. The proposal is considered to be compatible with existing and planned development in the area and represents good planning by providing a mix of land uses. Staff find that the proposal will comply with the intent of the UHOP upon finalization of the UHOP Amendment.

***Alternatives for Consideration – See Page 22***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A

**Staffing:** N/A

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

## **HISTORICAL BACKGROUND**

### **Proposal**

The subject lands are located on the east side of Homestead Drive, west of Upper James Street and north of Airport Road West, in Glanbrook. The subject land is rectangular in shape, comprising an area of 0.657 ha, and is municipally known as 3017 Homestead Drive, Glanbrook (see Appendix “A” to Report PED16127).

The requested applications consist of a UHOP Amendment and a Zoning By-law Amendment to permit a Garden Centre as a primary use and to retain the existing single detached dwelling as an additional use on the subject lands.

The proposal includes the adaptive reuse of the existing sheet metal barn, the addition of a green house, a pergola shade structure and a perennial covering to the rear of the barn. The applicant has advised that the Garden Centre will operate on a year round basis. No outdoor storage is proposed as the applicant has revised the proposal removing ten bulk material bins in the rear yard. A total of 27 surface parking spaces (including one accessible parking space) will be provided on site. The property fronts onto both Homestead Drive and Upper James Street, with one driveway access from Homestead Drive, as shown on Appendix “D” to Report PED16127.

### **Urban Hamilton Official Plan Amendment**

An amendment to the Mount Hope Secondary Plan is required as the subject lands are designated District Commercial, and the proposal seeks to add a Garden Centre as a primary use and to retain the existing single detached dwelling as an additional use on the subject lands. Garden Centres are prohibited within the District Commercial designation. An amendment is required to permit the Garden Centre as a primary use and to permit the existing single detached dwelling in a standalone dwelling whereas on lands designated District Commercial residential is only permitted above the first storey of a mixed use building.

The Site Specific By-law has been reviewed and drafted to ensure that the General Commercial “G3” Zone permits uses which implement the District Commercial Designation of Volume 1 and Volume 2 of the UHOP. Staff have also reviewed the proposed draft District Commercial Zoning to ensure the intent of the future District Commercial Zoning is maintained.

### **Zoning By-law Amendment:**

Application ZAC-15-054 to amend the Town of Glanbrook Zoning By-law No. 464 is required to rezone the subject lands from the Existing Residential “ER” and Deferred Development “DD” Zones, to the General Commercial “C3-300” Zone to permit the

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Garden Centre and to recognize the use and location of the existing single detached dwelling because the General Commercial does not permit single detached dwellings.

Modifications have been requested to alter the definition of Home and Garden Centre, reduce the minimum southerly side yard setback requirements for the existing dwelling, to permit loading areas to be constructed with a gravel surface, and to permit the single detached dwelling as existing on the date of the passing of the By-law.

**Chronology:**

- October 21, 2015: Application UHOPA-15-025 and ZAC-15-054 received.
- November 19, 2015: Application UHOPA-15-025 and ZAC-15-054 deemed complete.
- November 19, 2015: Notice of Complete Application sent to Owner / Agent.
- December 1, 2015: Application circulated to the relevant departments and agencies for review.
- December 4, 2015: Public Notice Sign posted on site.
- December 9, 2015: Notice of Complete Application and Preliminary Circulation mailed to 35 property owners within 120 m of the subject lands.
- June 8, 2016: Public Notice Sign updated to reflect Public Meeting date.
- June 17, 2016: Circulation of Notice of Public Meeting and Notice of Complete Application for UHOPA-15-025 / ZAC-15-054 to 35 property owners within 120 m of the subject lands.

**DETAILS OF SUBMITTED APPLICATIONS**

- Location:** 3017 Homestead Drive
- Owner / Applicant:** Edmond Ciardullo
- Agent:** Paul Mallard Consulting c/o Paul Mallard
- Property Size:** Lot Area: Approx. 0.657 ha
- Frontage: Approx. 44.61 m (Homestead Drive)

**Existing Land Use and Zoning:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<b>Subject Land:</b>	Existing Single Detached Dwelling and Barn	Existing Residential “ER” Zone, and Deferred Development “DD” Zone
<b>Surrounding Land:</b>		
North:	Vacant	Existing Residential “ER” Zone, and Deferred Development “DD” Zone
East:	The lands to the East of Upper James Street are within the Rural area and are farmed for agricultural purposes	Agricultural “A2” Zone, in the City of Hamilton Zoning By-law No. 05-200
South:	Hamilton Public Library (Mount Hope Branch); Mount Hope Park	Existing Residential “ER” Zone, Public “P” Zone, Public Open Space “OS2” Zone and Deferred Development “DD” Zone
West:	Single and Semi Detached Residential Dwellings	Existing Residential “ER” Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The Provincial Policy Statement, 2014 (PPS) provides overall policy directions on matters of provincial interest related to land use and development in Ontario, and applies to the subject property.

The application has been reviewed with respect to the PPS, and the following policies, amongst others, apply:

“Policy 1.1.1            Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of *settlement areas* in those areas which are adjacent or close to *settlement areas*;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- g) ensuring that necessary *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* are or will be available to meet current and projected needs; and

Policy 1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

Policy 1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
  - 1. efficiently use land and resources;
  - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
  - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
  - 4. support active transportation;
  - 5. are transit-supportive, where transit is planned, exists or may be developed; and
  - 6. are freight-supportive; and

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- Policy 1.3.1 Planning authorities shall promote economic development and competitiveness by:
- a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
  - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
  - c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
  - d) ensuring the necessary infrastructure is provided to support current and projected needs.

Policy 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.”

The application is consistent with Policy 1.1.1 in that the proposal will accommodate the retention of the existing residential use and the proposed commercial use will allow for an employment use that will promote efficient development. The proposed development will be sympathetic to the existing residential uses on the adjacent lands and allow for a transition on the subject and adjacent lands to Commercial development to occur over a period of time.

The application is consistent with Policy 1.1.3.1 in that the proposal directs growth to Settlement Areas. It implements Policy 1.1.3.2 in that it efficiently uses land as the proposal encourages an adaptive reuse of the barn for redevelopment while using the existing infrastructure.

Policies 1.3.1 and 1.6.6.2 identify that there be an opportunity for a diverse economic base while encouraging compact mixed-use development considering the needs of the existing and future businesses. The proposal to redevelop the subject lands demonstrates that the adaptive reuse will meet the current needs while allowing the opportunity for redevelopment of the site to meet the future needs.

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Further, the subject property was determined to be of archaeological potential. As such, Policy 2.6.2 and 2.6.3 applies, which restricts development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

Additionally, the subject property was determined to be of archaeological potential as it meets two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential. It has been identified that the subject lands are in areas of pioneer EuroCanadian settlement and along historic transportation routes. Accordingly, the following policies apply:

“Policy 2.6.2           Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

Policy 2.6.3           Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

Archaeology will be addressed with an Acknowledgement clause at the Site Plan stage.

Based on the foregoing, the proposal is consistent with the policies of the PPS.

**Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe (GGH) sets out a vision to 2041 for how growth should occur in the GGH. The subject lands are within the “Designated Greenfield Area” in the Plan.

The application conforms to Section 2.2.2, where the proposed development will contribute to the City’s objective of planning and investing for a balance of jobs and housing to reduce the need for long distance commuting; and encourages cities to develop as complete communities with a diverse mix of land uses, and a range and mix of employment. The subject lands are located in a commercial node abutting established residential uses, promoting these policies.

Staff consider the applications to be in conformity with the policies that direct municipalities to promote economic development and competitiveness, as per the policies contained in Section 2.2.6 – Employment Lands.

Policies 2.2.7 indicates that new development in Greenfield Areas shall be planned as complete communities, with street configurations, densities and an urban form that is



supportive of walking, cycling and transit. The Growth Plan encourages a planned and managed form of growth that supports a strong and competitive economy while protecting, conserving, enhancing, and wisely using the valuable natural resources of land for current and future generations. The proposal to redevelop the subject lands demonstrates that the adaptive reuse will meet the current needs while allowing the opportunity for redevelopment of the site to meet the future needs.

Based on the foregoing, the proposed development conforms to the Growth Plan for the Greater Golden Horseshoe.

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” along a “Primary Corridor” on Schedule “E” – Urban Structure, and are designated “District Commercial” on Schedule “E-1” – Urban Land Use Designations in Volume 1. In addition, the subject lands are designated “District Commercial” on Map B.5.4-1 Mount Hope Secondary Plan Land Use Plan in Volume 2 of the UHOP.

Accordingly, the following Volume 1 policies, amongst others, apply to the proposal.

#### **Tree and Woodland Protection**

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Natural Heritage System (Core Areas and Linkages) have not been identified within the subject property. Planning staff note that the Landscape Plan and Tree Protection Plan will be required through the Site Plan Control Application.

#### **Airport**

“C.4.8.1 Proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable locational criteria. Proposals may meet more than one locational criteria and thereby be subject to more than one set of requirements.

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Table C.4.8.1: Requirements for Development in the Vicinity of John C. Munro International Airport

Locational Criteria		Requirements
<b>1</b>	35 NEF and greater, and/or within the Airport Influence Area	<p><b>a)</b> All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited.</p> <p><b>b)</b> New land uses which may cause a potential aviation hazard shall be prohibited.</p>
<b>2</b>	28 NEF and greater, but less than 35 NEF	<p><b>a)</b> All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited.</p> <p><b>b)</b> New land uses which may cause a potential aviation hazard shall be prohibited.</p> <p><b>c)</b> All development applications approved prior to approval of this Plan may proceed.</p>
<b>3</b>	25 NEF and greater, but less than 28 NEF	<p><b>a)</b> All development and redevelopment proposals for residential and other sensitive land uses shall be required to submit a detailed noise study, employ noise mitigation measures and include appropriate warning clauses in accordance with Section B.3.6.3 - Noise, Vibration and Other Emissions, and Policy C.4.8.6.</p> <p><b>b)</b> New land uses which may cause a potential aviation hazard shall be prohibited.</p>

The subject lands are identified on Appendix D - Noise Exposure Forecast (NEF) Contours and Primary Zoning Regulation Area of the UHOP to be located within the 35 NEF or greater within the Airport Influence Area. Policy 1 a) prohibits new development of residential and other sensitive land uses. Staff note that this proposal is one of the initial commercial redevelopments within the District Commercial designation in the Mount Hope Secondary Plan and permitting the existing residential dwelling to remain will assist in maintaining compatibility with existing residential development along Homestead Drive. However, staff do not support the severing of the single detached dwelling because it will entrench the residential use and be in contravention of policy 1 a) in the above Table. A Garden Centre is not considered a sensitive land use; however, a residential use is a sensitive land use. The policy prohibits new residential developments however does not prohibit existing residential uses. Development as defined in the UHOP, “means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approvals under the *Planning Act...*” and the severing of the residential lands to exist as a stand-alone use would be considered new residential development. Staff are in support of the existing single detached dwelling to remain on the same lot as the residential use can continue to exist

until such time that the lands will be further redeveloped. Therefore, staff are supportive of the existing residential dwelling to remain only on the subject lands.

#### District Commercial

“E.4.7 Areas designated District Commercial are intended to provide retail and service commercial uses to the immediate neighbourhood. District Commercial areas shall contain a range of retail shops and services that cater primarily to the weekly and daily shopping needs of residents in the surrounding neighbourhoods. These retail shops and services may currently be clustered in a plaza forms but new areas or expansions and redevelopment of existing areas can create an improved street presence by bringing the stores up to the edge of the street.

E.4.7.1 The range of retail uses are intended to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods. The District Commercial areas shall also serve as a focus for the adjacent neighbourhood(s) by creating a sense of place.”

The intent of the above policies are to ensure that the range of commercial uses will cater to the daily and weekly needs of the immediate and surrounding neighbourhood. The proposed Garden Centre will not function as a typical seasonal garden but as a Garden Centre operating year round with retail sales of flowers, furnishings and decor. The existing metal barn is to be adaptively reused for retail space. Furthermore, the applicant has removed the outdoor bulk material bins which identifies that the applicant does not intend to rely solely on the seasonal sale of material/soils. As well, staff are of the opinion that the proposal can serve as a focal point for the neighbourhood as adaptive reuse the metal barn can create a sense of place for the existing neighbourhood. The retention of the existing residential use will help maintain the character of the area while the area transitions to the planned function as a District Commercial area.

“E.4.7.2 The following uses shall be permitted on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;
- b) offices provided they are located above the first storey;
- c) residential uses provided they are located above the first storey of a mixed use building; and,

- d) accessory uses.”

With respect to policy c) above, the applicant is seeking to allow the Garden Centre along with the single detached residential dwelling as permitted uses as a Site Specific Policy – Area within the Mount Hope Secondary Plan. As well, the applicant is seeking to rezone the subject lands to the General Commercial “C3” Zone in which a Garden Centre is a permitted use. The proposed General Commercial “C3” Zone will implement the District Commercial Designation. It is the intent of policy c) to ensure that the planned commercial function is retained while permitting residential uses as a secondary use. However, policy c) does not contemplate a standalone residential dwelling. The proposed residential use will maintain the intent of the policy as the commercial Garden Centre use will function as the primary use of the lands. Furthermore, staff note that there are single and semi-detached residential dwellings located along Homestead Drive and the transition of the area from residential to commercial will occur over time. The permission to maintain the existing single detached dwelling allows the transition to the commercial designation to occur in a gradual manner while allowing residential uses to exist until such time in which lot consolidation occurs to redevelop the adjacent lands.

“E.4.7.3 Notwithstanding Policy E.4.7.2, the following uses shall be prohibited on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:

- a) vehicle dealerships;
- b) garden centres as a primary use; and,
- c) a single use over 10,000 sq m in floor area.”

The prohibited uses identified above are to ensure that the District Commercial designation is maintained and is primarily used for the retail uses which serve the daily and weekly needs of the residents of the surrounding neighbourhood. The applicant seeks to allow the Garden Centre along with the single detached residential dwelling as permitted uses as a Site Specific Policy – Area within the Mount Hope Secondary Plan. As well, the applicant is seeking to rezone the subject lands to the General Commercial “C3” Zone in which a Garden Centre is a permitted use. The proposed General Commercial “C3” Zoning will implement the uses permitted within the District Commercial Designation.

Garden Centres are permitted in the Arterial Commercial designation. As noted in policy b), Garden Centres are prohibited within the District Commercial designation as a primary use on the basis that they are typically land extensive and require a large area for the outdoor storage of bulk material. However, this proposal does not have the typical characteristics of a Garden Centre in that no bulk outdoor storage is proposed.

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This proposal has a retail focus in which the applicant's intent is to adaptively reuse the existing barn (and proposed additions) for a wide range of retail sales beyond the typical seasonal sales products. The Garden Centre will function with characteristics similar to a retail store rather than that of a typical Garden Centre which relies heavily on the sale of bulk material which is stored outdoors.

Furthermore, the subject land is considered a through lot and abuts both a Collector Road (Homestead Drive) and a Major Arterial Road (Upper James Street) offering a unique opportunity for visual exposure catering to local and drive-by traffic. While the designation in both Volume 1 and the Mount Hope Secondary Plan in Volume 2 of the Official Plan designate the lands District Commercial, the location of subject lands is unique as it is located adjacent to a Major Arterial road, predominantly a characteristic of an Arterial Commercial designation. Although, the subject lands are accessed from Homestead Drive and not Upper James Street, traveling and drive-by customers would also be generated but would not be the dominant market the use would be catering to.

Staff are of the opinion the commercial use will not function as a typical Garden Centre as it is evident the commercial use will not be dependent on outdoor storage associated with the sale of bulk material focused on the summer months but rather the year round sale of retail.

"E.4.7.6 The preferred location of a new District Commercial designated area is at the intersection of a collector road and a major or minor arterial road."

The subject land is considered a through lot and abuts both a Collector Road (Homestead Drive) and a Major Arterial Road (Upper James Street). Access to the subject land is from the Collector Road (Homestead Drive). The Minor Arterial Road (Airport Road West), which intersects with both Homestead Drive and Upper James Street, is easily accessible by the surrounding residents from the interior of the neighbourhood. As well, the subject lands are within the vicinity of Route 20 of the Hamilton Street Railway (HSR) Bus Route. While not located at the intersection of a Collector Road and a Major Arterial Road, the subject lands abut both a Collector and Major Arterial Road.

"E.4.7.9 Although residential development is permitted and encouraged, it is not the intent of the Plan for the District Commercial designated areas to lose the planned retail and service commercial function set out in this Plan.

E.4.7.10 Areas designated District Commercial shall be planned and designed to be integrated with and easily accessible from the surrounding neighbourhood by a range of transportation modes including the automobile, transit, and active transportation."

Staff are of the opinion that the proposal meets the intent of the above policy since District Commercial designation will remain notwithstanding the retention of the existing single detached dwelling for residential purposes. Abutting properties are also designated District Commercial but are also currently used for residential purposes (single and semi-detached dwellings). The transition of the neighbourhood to District Commercial will occur over a period of time and will require properties to be consolidated. The subject land is one of the first potential District Commercial redevelopments in the area and will help transition the area without alteration of the neighbourhood occurring at once.

“E.4.7.11 In new areas designated District Commercial or for additions or redevelopments of existing District Commercial designated areas, smaller retail buildings shall be located up to the street to create a strong pedestrian orientation, particularly along adjoining collector roads.

E.4.7.12 Where buildings are located up to the street in accordance with Policy E.4.7.11, the principal entrances shall face the public street providing direct access from the sidewalk. The windows and signage shall also face the street and buildings should have a consistent minimal setback.

E.4.7.13 No parking, driveways, lanes, stacking lanes, or aisles should be permitted between buildings and the public sidewalk except as provided for in Policy E.4.7.16.

E.4.7.15 Parking lots abutting the street shall be screened with low walls, and / or landscape materials to provide a sense of enclosure along the setback line.

E.4.7.16 Single use stores greater than 5,000 square metres may be situated in the interior or at the rear of the site with smaller foot print buildings located close to the street. Alternatively, larger stores could be located up to the streetline along an arterial road or along a collector road provided in the latter situation they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape along the collector road.”

The overall site design and the inclusion of features such as landscaping can be addressed at the Site Plan Control Application stage. The applicant intends to adaptively reuse the existing metal barn which is located in the middle of the subject lands and to retain the existing single detached dwelling. As well, the shape of the subject land is rectangular and the location of the existing building restricts the possible locations in which parking spaces can be located to ensure safe vehicular and pedestrian movement throughout the site.

The applicant’s proposal is to locate parking in the front yard between the existing barn and Homestead Drive. The above policy directs that parking not be in the front yard

between buildings and the public sidewalk, however, if screened with low walls, and / or landscape materials to provide a sense of enclosure parking can be permitted. The relocation the parking area to the rear of the building would not be practical as it would significantly increase the impervious area on the subject land and require all vehicles to manoeuvre around the building in a manner which would require multiple turns and potential conflicts with pedestrian movement. Also, although the subject lands are a through lot, access is only from Homestead Drive and the parking location is close to the ingress and egress of the subject lands and will reduce unnecessary additional vehicular movement on site. Furthermore, the existing single detached dwelling fronts onto Homestead Drive, approximately 13.0 m from the front lot line and will provide a presence to the street in addition to buffering the commercial use from the adjacent residential dwellings.

Based on the foregoing, staff support the Official Plan Amendment.

### **Mount Hope Secondary Plan**

The following policies relating to the Mount Hope Secondary Plan, amongst others, apply:

#### “General Residential Policies

B.5.4.2.1 In addition to Section E.4.7 – District Commercial of Volume 1, the following policies shall apply to the lands designated District Commercial on Map B.5.4-1 – Mount Hope – Land Use Plan:

- a) Existing and future commercial uses within the District Commercial designation are intended to serve the existing and future residents of the Mount Hope Secondary Plan area as well as the surrounding rural area, the Hamilton Airport and the Airport Industrial-Business Park.
- b) In addition to the uses permitted in Policy E.4.7.2 of Volume 1, permitted uses in the District Commercial designation shall include retail and service commercial, personal and business services, recreational and entertainment facilities, restaurants, taverns, hotels, and motels. Cultural facilities, community facilities/services, and institutional uses may also be permitted provided they do not interfere or conflict with the satisfactory development and operation of the District Commercial designation for the predominant general commercial uses.
- c) Lands with District Commercial designation shall be encouraged to be redeveloped for District Commercial uses. It is recognized that the redevelopment of the existing residential lots for commercial uses will occur over a relatively lengthy period of time.

- d) Development of commercial uses shall be planned and coordinated to limit the establishment of a continuous strip of individual developments.
- e) Redevelopment shall consider and be sensitive to existing residential development and ensure that the bulk, scale, height and design of commercial developments and other permitted uses are compatible with adjacent residential uses.

The proposal provides for the adaptive reuse of the existing barn with a greenhouse addition for the primary retail area which will be compatible with adjacent residential development in terms of bulk, scale, height and design. The existing single detached dwelling and metal barn will remain and will not alter the general scale or bulk and will continue to be compatible with the existing surrounding residential. It has been recognized that the redevelopment of the existing residential lots for commercial uses will occur over a relatively lengthy period of time and will require lot consolidation. Staff note that this proposal is one of the initial commercial redevelopments and permitting the residential dwelling will assist in maintaining compatibility with existing residential development. Accordingly, the proposed Garden Centre will consist of retail sales, home décor, craft products and horticulture which will allow for a transition to the planned use and built form, and is considered appropriate for the development and use of the lands. Furthermore, as the area is intended to evolve from the current residential use to District Commercial uses, the adaptive reuse of the existing buildings will allow the lands to evolve and redevelop in the future.

Based on the foregoing, staff support the Official Plan Amendment.

#### **Glanbrook Zoning By-law No. 464**

The lands are currently zoned Existing Residential “ER” Zone and Deferred Development “DD” Zone. The Existing Residential Zone restricts the permitted uses to existing residential and the Deferred Development Zoning functions as a holding zone, permitting uses which were legally existing on the day of the passing of the By-law. As the proposed Garden Centre is not permitted, a Site Specific Zoning “C3-300” to the General Commercial Zone will be required to allow the Garden Centre along with the residential use. The Site Specific By-law will also define a Home and Garden Centre, permit the loading space to be located on a gravel surface, recognize the existing southerly side yard setback and recognize the existing single detached dwelling on the date of the passing of the By-law.

#### **RELEVANT CONSULTATION**

The following departments and agencies had no comments or objections:

- Corridor Management, Public Works.



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The following departments submitted comments:

**Niagara Peninsula Conservation Authority (NPCA)** has reviewed the application and has advised that they have no objection to the proposed Official Plan and Zoning By-law Amendments. The NPCA will require Grading, Storm Servicing, Storm Water Management and Sediment Control Plans at the Site Plan Control Application stage.

**Community and Emergency Services (Recreation Planning)** has reviewed the application and have advised that the lands are adjacent to the Mount Hope Community Park as well as the Community Hall and Library. There is currently a Master Plan being prepared for the redevelopment of the Community Park. The proposed commercial operation should not adversely impact normal park activities / operation.

In consultation with Landscaping Architectural Services Staff, who is leading the Master Plan process regarding the redevelopment of Mount Hope Park, staff have determined that the development of the subject lands would not negatively affect the redevelopment of Mount Hope Community Park.

**Operations Support, Business Programs, Operations Division, Public Works Department** has reviewed the application and has advised that they have no objection to the proposed Official Plan and Zoning By-law Amendments. Furthermore, this property is eligible for weekly collection of garbage, recycling, organics, as well as leaf and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended. Commercial waste is collected curbside along with recycling and green cart waste [when available].

**Forestry and Horticulture (Public Works)** has advised that the Tree Management Plan is approved with no amendments required and Forestry does not require a Landscape Plan due to the insufficient room for municipal trees within proximity to privately owned trees.

Planning staff note that Forestry and Horticulture comments address the trees and vegetation within the municipal right of way and a Tree Protection Plan and Landscape Plan will be a required as a condition of approval for the future Site Plan Control application to address the vegetation on the subject lands.

**Transportation Planning (Public Works)** has advised that the site design will need to comply with the AODA regulations to ensure safe pedestrian movement throughout the subject lands. The overall site design will be addressed at the Site Plan Control Application stage.

**Landscape Architectural Services (Public Works)** has advised that parkland dedication will be requested. Staff note that the dedication will occur at the Site Plan Control Application stage.

**Public Consultation:**

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 35 property owners within 120 m of the subject lands on December 9, 2015. A public notice sign was also established on-site on December 15, 2015. As of the date of the preparation of this Report, no correspondence has been received.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Official Plan Amendment and Zoning By-law Amendment have merit and can be supported for the following reasons:
  - (i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe, as the proposal represents an opportunity for employment within settlement areas;
  - (ii) They comply with the general intent of the UHOP subject to the approval of the Official Plan Amendment; and,
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; is considered appropriate for the development and use of the lands and therefore represents good planning.
  
2. Urban Hamilton Official Plan Amendment

As discussed in the Policy Implications and Legislated Requirements Section of this Report, an amendment to the UHOP is required to implement the proposed Garden Centre and to permit the existing single detached dwelling to remain as an additional use.

Staff note a Garden Centre is prohibited as the intent of the District Commercial designation is to ensure that retail and service commercial uses are the primary use serving the daily and weekly needs of the surrounding neighbourhood. Garden Centres are permitted in the Arterial Commercial designation. Garden Centres are prohibited within the District Commercial designation as a primary use on the basis that they are typically land extensive and require a large area for the outdoor storage of bulk material. This proposal is unique as it has demonstrated that the use will not have typical characteristics of a Garden Centre in that no bulk outdoor

storage is proposed and does not require the extensive use of land. The removal of ten bulk material bins associated with the seasonal sales of soils and material from the original submission clearly demonstrates this proposal has a retail focus in which the applicant's intent is to adaptively reuse the existing barn (and proposed additions) for a wide range of retail sales beyond the typical season sales products. The Garden Centre will function with characteristics similar to that of a retail store than that of a typical Garden Centre which relies heavily on the sale of bulk material which is stored outdoors. As such, it is evident the commercial use will not focus on the seasonal sales but that of the year round retail sales of various products.

The subject land is considered a through lot and abuts both a Collector Road (Homestead Drive) and a Major Arterial road (Upper James Street) which is a unique situation. Although, the designation in both Volume 1 and the Mount Hope Secondary Plan in Volume 2 of the Official Plan is District Commercial, the location of the subject lands is unique as it is located adjacent to a Major Arterial road, which is a characteristic of the Arterial Commercial designation.

Although, the subject lands are accessed from Homestead Drive and not Upper James Street, traveling and drive-by consumer would also be generated but would not be the market the use would be catering to. Staff are of the opinion that due to the location of the subject lands the permission to allow a Garden Centre as a permitted use is compatible as the use will function similar to a retail use and the location of the subject lands will not only be a destination for residents of the surrounding neighbourhood but also easily accessible by the traveling public from the major arterial road (Upper James Street).

The proposal meets the intent of the Mount Hope Secondary Plan as the proposal provides for the adaptive reuse of the existing barn with a greenhouse addition for the primary retail area, which is compatible with adjacent residential development in terms of bulk, scale, height and design. Furthermore, the residential use complies with Policy E.4.7.2. c) since the single detached residential dwelling is an existing use. Permitting the existing single detached dwelling to remain in conjunction with the Garden Centre can be supported in that the redevelopment of the area designated District Commercial will occur over a period of time. The Official Plan Amendment restricts the residential use to the existing dwelling to ensure the expansion of a residential use will not occur and the Commercial use will remain the predominant use. The Mount Hope Secondary Plan recognizes that the redevelopment of the existing residential lots for commercial uses will occur over a period of time and will require lot consolidation. Staff note the commercial development is one of the first redevelopments in the District Commercial designation in the area and permitting the residential use will ensure that development is sensitive to the existing surrounding residential. The existing residential dwelling provides a buffer from the existing adjacent residential and the

commercial development providing a transition between uses. Therefore, the development is compatible with the existing character and allows for the redevelopment of the subject lands until such time that further lot consolidation occurs for redevelopment of the adjacent properties.

The proposal is considered compatible in terms of use, form and function and is considered appropriate for the development and use of the lands. Accordingly, staff support the Official Plan Amendment.

3. The implementing Zoning By-law will have the effect of repealing the current Existing Residential and Deferred Development Zones, and implementing the new site specific General Commercial “C3-300” Zone, Modified. The Site Specific Zoning has been prepared to demonstrate the permitted uses within the District Commercial designation. Furthermore, the proposed District Commercial Zoning “C4” Zone to be included into the new City of Hamilton Zoning By-law No. 05-200 was reviewed to ensure the proposed uses are in accordance with the intended uses of the District Commercial Zone. The implementing Zoning By-law will include the regulations of the existing parent General Commercial “C3” Zone and the following site specific special provisions:

*One Single Detached Dwelling*

The subject lands are a through lot, with the frontage deemed to be Homestead Drive. Access to the subject lands is also only from Homestead Drive. With respect to the residential use, the applicant is requesting a modification to permit one single detached dwelling on the same lot, and uses, buildings and structures accessory thereto, subject to the regulations of Section 12: Existing Residential “ER” Zone for the dwelling existing at the date of the passing of the By-law and alternatively to have the option to sever the dwelling from the proposed commercial portion of the subject lands.

The existing single detached dwelling and metal barn will remain and will not alter the general scale or bulk and will continue to be compatible with the existing surrounding residential. It has been recognized that the redevelopment of the existing residential lots for commercial uses will occur over a period of time and will require lot consolidation. Staff note that this proposal is one of the initial commercial redevelopments within the District Commercial designation in the Mount Hope Secondary Plan and permitting the existing residential dwelling to remain will assist in maintaining compatibility with existing residential development along Homestead Drive. However, staff do not support the severing of the single detached dwelling because it will entrench the residential use and thereby make future consolidated and integrated commercial development more difficult to achieve. The subject lands are identified on Appendix D - Noise Exposure Forecast (NEF) Contours and Primary Zoning Regulation Area of the UHOP to be

located within the 35 NEF or greater within the Airport Influence Area. New residential development and other sensitive land uses are prohibited. A Garden Centre is not considered a sensitive land use; however, a residential use is a sensitive land use. Policy 1 a) in Table C.4.8.1 in Volume 1 of the UHOP prohibits new residential developments but allows for existing residential uses to remain. Staff support the existing single detached dwelling to remain on the same lot as the proposed commercial use as the residential use can continue to exist until such time that the lands will be further redeveloped. Accordingly, the proposal will allow for a transition to the planned use and built form, and is considered appropriate for the development and use of the lands. Furthermore, as the area is intended to evolve from the current residential use to District Commercial uses, the adaptive reuse of the existing buildings will allow the lands to evolve and redevelop in the future. Therefore, staff are supportive of the existing residential dwelling to remain on the subject lands.

#### *Home and Garden Centre Definition*

The Applicant is requesting modifications of the definition of Home and Garden Centre to mean the use of land, buildings or structures or part thereof for the purpose of buying or selling plants, lawn, gardening and landscaping equipment, supplies, furnishings and décor.

Staff note that the modification to the definition will allow for more flexibility for the Garden Centre to ensure the use will cater to the daily and weekly retail needs of the surrounding residents. Accordingly, staff are supportive of the modification to the definition of a Home and Garden Centre.

#### *Loading Space to be Gravel Surface*

The proposed modifications to permit the loading space on gravel surface will alleviate the need for additional pavement being required. Due to the configuration of the lot and the location of the loading space at the rear of the property there would need to be unnecessary amount of asphalt added to the subject lands. Furthermore, permitting the gravel surface will minimize the impervious area on the subject lands and reduce storm water runoff. The parking area and roadway to entrance of the commercial building (existing barn) will be paved and the modification is only relating to the required loading space. The proposal provides consistency in the scale of development in the area and will provide flexibility in the design of the site. This amendment is minor in nature and will not have a negative impact on the development or adjacent lands. Accordingly, staff are supportive of the requested modification.

### *Minimum Southerly Side Yard Setbacks*

The Applicant is requesting modifications to permit the 2.3 m southerly side yard setback. Staff note that the 2.3 m setback is that of the existing barn and the proposed addition will maintain the same setback.

The amendment is minor in nature and will not have a negative impact on the adjacent lands which is the Mount Hope Park. Staff note that the existing landscaping has not been proposed to be removed and additional landscaping can be requested at the Site Plan Control application stage. Accordingly, staff are supportive of the requested amendment to reduce the southerly side yard setback.

4. The proposal has identifies 26 parking spaces and one Barrier-Free parking space. The minimum width of a Barrier-Free parking space width is 4.4 m and that it appears the applicant meets the parking requirements of the Zoning By-law.

Staff note that the parking calculations have been reviewed and will not require the parking ratio to be altered. Staff note that the comment regarding Barrier Free stall size will be addressed at the Site Plan Control Application stage.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the existing single detached dwelling could remain. However, any redevelopment would require a Zoning By-law Amendment from the Deferred Development Zone and a possible Official Plan Amendment dependent on the proposed use.

## **ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

### **Strategic Priority #1**

A Prosperous and 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**

- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Draft Urban Hamilton Official Plan Amendment
- Appendix "C": Draft Zoning By-law Amendment
- Appendix "D": Site Plan

:YR/mf