



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 5, 2016
SUBJECT/REPORT NO:	Applications for Amendment to the Urban Hamilton Official Plan and for Amendment to the Town of Glanbrook Zoning By-law No. 464 for Lands Located at 21 and 31 Trinity Church Road and 1816 Rymal Road East, Glanbrook (PED16151) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Daniel Barnett Planner 2 (905) 546 - 2424 Ext. 4445 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Urban Hamilton Official Plan Amendment Application UHOPA-15-028, by Multi-Area Development Inc. (c/o. Aldo & David DeSantis) Owners,** for OPA No. _____, to establish a site specific policy area, to permit a Motor Vehicle Gasoline Bar, with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant to be added to the list of permitted uses and to increase the maximum permitted commercial floor area, within the Local Commercial Designation, for lands located at 21 and 31 Trinity Church Road and 1816 Rymal Road East, as shown on Appendix “A” to Report PED16151, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16151, which has been prepared in a form satisfactory to the City Solicitor, be enacted 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.

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- (b) That approval be given to **Town of Glanbrook Zoning By-law Amendment Application ZAC-15-061, by Multi-Area Development Inc. (c/o. Aldo & David DeSantis) Owners,** for a change from the General Commercial “C3-249” Zone, Modified to the General Commercial “C3-293” Zone, Modified, in order to add the use of a Motor Vehicle Gasoline Bar with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant to be added as permitted uses, for lands located at 21 and 31 Trinity Church Road and 1816 Rymal Road East, as shown on Appendix “A” to Report PED16151, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED16151, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (ii) That the amending By-law be added to Map 1548 and 1593 of Schedule “A” of the Town of Glanbrook Zoning By-law No. 464.
 - (iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. .

EXECUTIVE SUMMARY

The purpose and effect of the proposed Urban Hamilton Official Plan Amendment is to establish a site specific policy area to expand the range of permitted uses within the Local Commercial Designation. To permit a Motor Vehicle Gasoline Bar with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant and to increase the maximum permitted commercial floor area.

The purpose and effect of the proposed Zoning By-law Amendment to the Town of Glanbrook Zoning By-law No. 464 is for a change in zoning from the General Commercial “C3-249” Zone, Modified to the General Commercial “C3-293” Zone, Modified, in order to permit a Motor Vehicle Gasoline Bar with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant.

The proposed Official Plan Amendment and Zoning By-law Amendment have merit and can be supported, since the proposal is consistent with the PPS (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan (UHOP), and the Rymal Road Secondary Plan subject to the recommended amendment.

Alternatives for Consideration – See Page 29

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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 amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

OPA-07-022 and ZAC-07-087

The subject lands were the subject of previous applications for Official Plan Amendment and Zoning By-law Amendment which rezoned lands throughout of the Summit Park Phase 5 lands which included the subject property. These applications established the General Commercial “C3-249” Zone which permitted a range of commercial uses but did not permit Motor Vehicle Gasoline Bar, Motor Vehicle Washing Establishments or Drive Through Restaurants.

OPA-09-012 and ZAC-09-048

The subject lands were the subject of additional applications for an Official Plan Amendment and Zoning By-law Amendment for part of the lands contained within the Summit Park Phase 5 lands. The Summit Park Phase 5 lands include the area on the south side of Rymal Road East between Trinity Church Road and Dakota Boulevard. The Official Plan Amendment amended the Local Commercial policies of the Rymal Road Secondary Plan, contained in the Town of Glanbrook Official Plan, by increasing the maximum gross leasable floor of any group of Local Commercial uses from 1,500 sq m to 2,500 sq m and increasing the maximum gross leasable floor area of any individual commercial establishment from 500 sq m to not more than half of the total gross leasable floor area provided on-site. The Zoning By-law Amendment modified the existing General Commercial “C3-249” Zone to amend the maximum leasable gross floor area requirements for both Group of Local Commercial uses and any individual local commercial establishment to match the maximum requirements contained in the Official Plan Amendment.

The Official Plan Amendment and Zoning By-law Amendment were both passed by Council in April 2010. Prior to April 2010 the Urban Hamilton Official Plan was adopted by Council on July 9, 2009 and was with the Ministry of Municipal Affairs and Housing awaiting approval. Due to issues related to the timing of Site Specific Amendment relative to the approval for the Urban Hamilton Official Plan the Site Specific

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Amendment to the Town of Glanbrook was not carried forward and incorporated into the Urban Hamilton Official Plan.

Proposal

The subject lands are located on the south east corner of Rymal Road East and Trinity Church Road. The subject property is currently a vacant lot.

The original application for this site was to develop the property for two commercial (Buildings 1 and 2) having a combined floor area of 1,327 sq m and 12 commercial units, a 12 pump Motor Vehicle Gasoline Bar along with a 221 sq m convenience retail building with an accessory Drive Thru Restaurant (Building 4) and an accessory automated Motor Vehicle Washing Establishment (Building 3) associated with the Motor Vehicle Gasoline Bar. A total of 65 on-site parking spaces were proposed to be provided on-site.

The proposal has since been amended to add seven additional parking spaces and increase the number of commercial units and floor area of the two commercial buildings to 14 units and an additional area of 44.5 sq m while maintaining the 12 pump Motor Vehicle Gasoline Bar along with the convenience retail building associated with the Motor Vehicle Gasoline Bar and also containing an accessory Drive Thru Restaurant (Building 4), and an accessory automated Motor Vehicle Washing Establishment (Building 3). A total of 72 on-site parking spaces are proposed to be provided on-site.

An amendment to the policies of the Rymal Road Secondary Plan is required to permit the Motor Vehicle Gasoline Bar with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant, and to increase the maximum commercial gross floor area of the overall development above the current maximum gross floor area of 1,500 sq m. The commercial buildings are already permitted uses.

The proposal to establish a Motor Vehicle Gasoline Bar with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant also requires an amendment to the Town of Glanbrook Zoning By-law No. 464. Site specific by-law provisions are required to implement the proposed development including the following:

- a) Expand the Definition of a Motor Vehicle Gasoline Bar to include the use of an accessory Motor Vehicle Washing establishment and Drive Thru Restaurant;
- b) To maintain the previously established maximum gross floor area of any individual commercial establishment of not more than half of the total leasable gross floor area
- c) To maintain the previously established maximum gross floor area of any group of local commercial uses of 2,500 sq m of leasable gross floor area;

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- d) Restrict the maximum gross floor area of Medical Clinics to 210 sq m;
- e) Modify the definition of a Medical Clinic and Professional Office to facilitate a maximum gross floor area for medical uses.
- f) Reduction in the minimum front yard setback requirement from 4.5 m to 1.3 m;
- g) Reduction in the minimum exterior side yard setback requirement from 4 m to 3.7 m;
- h) Reduction in the minimum rear yard setback requirement from 4.5 m to 1.5 m;
- i) Reduction in the number of on-site parking spaces from 122 parking spaces to 72 parking spaces;
- j) Reduction in the minimum drive thru access driveway from 6 m to 4 m;
- k) Reduction in the minimum width of a landscape strip from 3 m to an average width of 2 m but not less than 1.3 m;
- l) Prohibit any Outdoor Storage; and,
- m) Reduction in the minimum number of on-site loading spaces from two loading space to zero loading spaces.

Chronology:

November 6, 2015: Applications UHOPA-15-028 and ZAC-15-061 submitted.

December 3, 2015: Applications UHOPA-15-028 and ZAC-15-061 deemed complete.

December 23, 2015: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-15-028 and ZAC-15-061, to 16 property owners within 120 m of the subject lands.

January 12, 2016: Public Notice Sign installed on subject lands.

June 8, 2016: Public Notice Sign updated with Public Meeting Information.

June 17, 2016: Circulation of the Notice of Public Meeting to 16 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 21 and 31 Trinity Church Road and 1816 Rymal Road East (see Appendix “A” to Report PED16151)

Owner/Applicant: Multi-Area Development Inc. (Aldo and David DeSantis)

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Agent: A.J. Clarke and Associates Ltd. (c/o. Franz Kloibhofer)

Property Description: Lot Frontage: 86.08 m (Trinity Church Road)
Lot Depth: 106.51 m (Rymal Road East)
Lot Area: 0.917 ha (9,168.4 sq. m.)
Servicing: Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant Lands	General Commercial “C3-249” Zone, Modified

Surrounding Land Uses:

North	Vacant Lands	Service Commercial “CS-1” Zone and Single Detached – One “R1” Zone
South	Secondary School	Major Institutional “I3” Zone
East	Secondary School	Major Institutional “I3” Zone
West	Open Space, Place of Worship, and accessory Parking Area	Open Space “P4” Zone, Agricultural “AA” District, and Public Parking Lots “G-3/S-1637” District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* and the *Greenbelt Act* require that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan and the Greenbelt Plan.

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As furtherly discussed in Urban Hamilton Official Plan Policy section of this Report, the subject property meets five of the ten criteria for Archaeological potential and the policies found in Subsection 2.6.2 does not permit development on land in which there is archaeological potential unless the archaeological resources have been conserved. An archaeological assessment was undertaken and the provincial interest in archaeology was signed off in a letter dated July 16, 2010. Therefore the Provincial Interest in archaeology has been addressed.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Urban Hamilton Official Plan (UHOP) analysis below, and as such it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2014); and,
- conform to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Secondary Corridor” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP and “Local Commercial” in the Rymal Road Secondary Plan. The following policies, among others were reviewed with respect to the subject applications.

“E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors, with medium density housing located between the clusters.

E.2.4.12 Secondary Corridors are currently characterised, in large measure, by single use buildings. The intent of this Plan is to evolve the Secondary Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at grade retail and service commercial uses.

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- E.3.8.1 Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhood Designation.
- E.3.8.2 The following uses shall be permitted:
- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, medical office, business office, professional office, motor vehicle services station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service.”

The subject property is located within the Rymal Road Secondary Plan which designates the land as Local Commercial, which restricts the land to small scale commercial uses. It is noted the Urban Hamilton Official Plan Policies for Local Commercial uses identifies Local Commercial uses as catering to the weekly and daily needs of residents and identifies Motor Vehicle Service Stations as a permitted use. Therefore the proposal to establish local commercial uses complies to the policies for Secondary Corridors and for Local Commercial uses.

Urban Design

- “B.3.3.2 This section contains policies describing general design principles and directions that contribute to the achievement of the goals stated in Section B.3.3.1. The successful integration of new development and redevelopment of the urban area and its integration with surrounding neighbourhoods requires the form of development to follow appropriate urban design principles.
- B.3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Structures and Designations.
- B.3.3.3.3 New development shall be massed to respect existing and planned street proportions.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) Locating principal façades and primary building entrances parallel to and as close to the street as possible;
 - b) Including ample glazing on ground floors to create visibility to and from the public sidewalk;

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- c) Including a quality landscape edge along frontages where buildings are setback from the street;
- d) Locating surface parking to the side and rear of sites or buildings, where appropriate; and,
- e) Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

Building one as shown on Appendix “D” to Report PED16151 and is located closest to the intersection of Rymal Road East and Trinity Church Road. The building be located in close proximity to both street lines. Building one is intended to be a one storey building which is similar in scale to existing development in the area and therefore, the proposed development is appropriately massed to respect the existing and planned street proportions. The proposal will include quality landscaping, and shall locate surface parking predominately to the interior of the site. Pedestrian connections will be provided from the sidewalks to the entrances of the commercial units. These design elements will be addressed in detail at the Site Plan stage to ensure conformity. A detailed evaluation with respect to Urban Design is also contained within the Analysis for Rationale for Recommendation Section of this Report.

Cultural Heritage

- “B.3.4.1.3 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or adjacent cultural heritage resources.
- B.3.4.4.2 In areas of archaeological potential identified in Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time the application submission for the following planning matters under the *Planning Act*.
 - a) Official Plan Amendments or Secondary Plan Amendments; and,
 - b) Zoning By-law Amendments.”

The subject property is identified on Appendix F-4 – Archaeological Potential as having archaeological potential. A stage 1, 2, and 3 archaeological report has been submitted. The provincial interest was signed off in a letter date July 16, 2010 by the Ministry of Tourism, Culture and Sport. City staff concurs with the recommendations made in the report and City of Hamilton and Ministry of Tourism, Culture and Sport’s interest with respect to archaeology has been addressed.

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Rymal Road Secondary Plan

The subject property is designated “Local Commercial” in the Rymal Road Secondary Plan. The following policies, amongst others, apply to these applications.

- “B.5.2.3.4 Notwithstanding Policies E.3.8 – Local Commercial of Volume 1, the following polices shall apply to the lands designated Local Commercial on Map B.5.2-1 – Rymal Road – Land Use Plan;
- a) Lands designated Local Commercial are intended to provide the convenience shopping amenities for the surrounding residents as well as to the pass-by traveling public.
 - b) Permitted uses shall include a limited range of convenience retail, personal services professional offices and restaurant uses.
 - c) The maximum gross leasable floor area of any individual commercial establishment shall be 500 sq m, and the maximum gross leasable floor area of any group of Local Commercial uses shall be 1,500 sq m.
 - d) Section B.5.2.3.2 d) to h) inclusive also apply to the development of Local Commercial designated lands.”

The proposed use of a Motor Vehicle Gasoline Bar, with an accessory Motor Vehicle Washing establishment and Drive Thru Restaurant are not permitted by the “Local Commercial” designation in the Rymal Road Secondary Plan. Local Commercial uses traditionally cater to the daily and weekly needs of residents within the surrounding area. Under the policies of the Urban Hamilton Official Plan Motor Vehicle Service Station are permitted under Local Commercial Uses.

Policy B.5.2.3.4 outlines that Local Commercial uses in addition to providing convenience shopping amenities for the surrounding residents also provides convenience shopping amenities for the traveling public. Motor Vehicle Gasoline Bars, and Drive Thru Restaurants serve both the surrounding residents and the traveling public. The subject lands are appropriate located for Local Commercial Uses that provide shopping amenities for the surrounding residents and traveling public in that the subject lands are located at the intersection of a Major Arterial Road (Rymal Road East) and a Collector Road (Trinity Church Road) and in proximity to the future Red Hill Valley Parkway. The proposed use of a Motor Vehicle Gasoline Bar with accessory Motor Vehicle Washing Establishment, and Drive Thru Restaurant are appropriate uses with respect to providing convenience shopping amenities for surrounding residents and the traveling public.

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The propose Motor Vehicle Gasoline Bar along with the accessory Motor Vehicle Washing Establishment Drive Thru Restaurant provide convenience shopping amenities for both the surrounding residents as well as the pass-by traveling public. Therefore the proposed use of a Motor Vehicle Gasoline Bar along with the accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant complies with policy B.5.2.3.4 a) of the Rymal Road Secondary Plan. With respect to policy B.5.2.3.4 b) the uses are not specifically mention and therefore the proposed use do not comply to policy B.5.2.3.4 b) and an amendment to the policies of the Rymal Road Secondary Plan is required.

In addition the “Local Commercial” policies of the Rymal Road Secondary Plan establish a maximum gross leasable floor area for any individual commercial establishment at 500 sq m and establish a maximum gross leasable floor area for any group of Local Commercial Uses of 1,500 sq m. The proposal for 1,823.2 sq m will exceed the permitted maximum gross leasable floor area for a group of uses and therefore an Official Plan Amendment is required.

The Local Commercial policies of the Urban Hamilton Official Plan outlines the envisioned uses of lands designated Local Commercial and the envisioned scale of development for lands designated Local Commercial in the Urban Hamilton Official Plan. The Rymal Road Secondary plan establishes identical requirements with respect to scale of development and more restrictive limitations on the range of uses permitted for lands designated Local Commercial in the Rymal Road Secondary Plan. The size of development permitted based on the amended gross leasable floor area for individual commercial establishments and for all commercial establishments is compatible with the established development pattern of the area with respect to scale, traffic impacts, parking, and buffering. The proposed Motor Vehicle Gasoline Bar along with an accessory Motor Vehicle Washing Establishment and Drive Thru restaurant serve the intended function of lands designated Local Commercial in the Urban Hamilton Official Plan. The proposal will therefore meet the requirements of the Urban Hamilton Official Plan.

A previous Official Plan Amendment No. 79 to the Town of Glanbrook Official Plan No. modified the local commercial policies of the Rymal Road Secondary Plan for the subject property to established a maximum gross leasable floor area for any individual commercial establishment at half of the total gross leasable floor area provided on the site and established a maximum gross leasable floor area for any group of Local Commercial Uses of 2,500 sq m. The existing “C3-249” Zone reflect these provisions. The previously approved increase in the maximum gross leasable floor area for both individual commercial establishments and any group of Local Commercial uses was not carried forward into the Rymal Road Secondary Plan in the Urban Hamilton Official Plan, due to the timing of the Amendment relative to the approval process of the Urban

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Hamilton Official Plan therefore, an amendment to the Urban Hamilton Official Plan is required to reflect the previous municipal approval.

As the proposed amendment is to maintain the previously established maximum floor area restrictions for both individual and groups of local commercial uses and as these increases were previously evaluated and supported by both staff and by Council, staff continue to consider the increases to be appropriate.

Local Commercial Policy B.5.2.3.4 d) states that the Mixed Use Medium Density policies B.5.2.3.2 d) to h) also apply to the development of Local Commercial designated lands. Therefore the proposed development was reviewed with respect to the following:

- “B.5.2.3.2 d) The Mixed Use – Medium Density designation shall be developed in a co-ordinated and comprehensive manner. Access points shall be limited and regard shall be given to the sharing of access points, adequate internal traffic circulation, and adequate off-street parking, loading and manoeuvring facilities.
- e) Open Storage of goods and materials shall not be permitted except in special cases (e.g. garden centre, hardware store), subject to the city’s approval and implementing Zoning By-law regulations.
- f) Loading and unloading areas shall be located so as to minimize adverse effects to adjacent residential areas and shall be screened from view.
- g) Landscaping shall form an integral part of all developments and screening and / or buffering shall be provided between commercial and other sensitive adjacent land uses.
- h) All high intensity outdoor lighting shall be oriented away from residential areas and streets.”

The proposed development will be limited to only two access driveways with one on Rymal Road East and one on Trinity Church Road which will serve all the commercial uses on-site. Therefore, access points will be limited and shared by the commercial uses on-site. A parking analysis has been provided with respect to the proposal, demonstrating that adequate parking will be provided to meet the needs of the subject property. There will be no open storage of goods and materials without on-site all storage will be within the proposed buildings and this restriction is included as a provision of the Zoning By-law. Site lighting for the site will be reviewed as part of the Site Plan application process and will require that lighting will be oriented away from

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residential areas and streets. Adequate landscaping will be provide along the street frontage and throughout the site and the on-site landscaping and separation distance from sensitive lands uses will provide adequate buffer between the on-site activities including loading and unloading activities and nearby residential areas and other sensitive lands uses. Therefore the proposed development complies with policy B.5.2.3.2 of the Rymal Road Secondary Plan.

Urban Design

The following Urban Design policies were reviewed and are relevant with respect to the proposed application:

“B.5.2.10 b) The following Urban Design criteria apply to the development of both the public realm and private lands to create an attractive, safe and pedestrian friendly environment:

- v) Develop a pedestrian-friendly and pedestrian-oriented community through the layout of streets, configuration of lots and the siting and configuration of buildings that will address the following streetscape design principles and objectives:
 - 1) Provide ease of pedestrian access and enjoyment of public streets and other outdoor spaces through a consistent level of streetscape design, incorporating such elements as appropriate planting, lighting and signage.
 - 2) Encourage pedestrian connectivity throughout the community building on the central spine of the main east-west connecting element of the community through the appropriate placement of public walkways and bike paths.
 - 5) Promote the safety and security of all persons in public places including streets, parks and amenity areas through the design and siting of buildings, entrances, walkways, amenity and parking areas to provide visibility and opportunities for informal surveillance.
 - 6) Design service and parking facilities to minimize disruption to the safety of pedestrian movement and the attractiveness of development adjacent to the public realm.
 - 8) Promote the relationship of buildings to streets through the arrangement of buildings on lots, setbacks to the street, the

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placement of parking and garages, and the use of specific architectural treatment where the side façade of a building abuts a street with a view to creating street presence.

- 9) Incorporate elements into the design of the community and the design of key gateway locations along Highway 56, Fletcher Road, Trinity Church Road, and Rymal Road to reinforce the area as a gateway to the City.
- 10) Design commercial development in terms of scale, bulk, design and siting to be compatible with the adjacent residential areas and to minimize impacts on adjacent uses.”

The proposed development will incorporate pedestrian connections from the municipal sidewalk to the commercial units proposed on-site. The proposed development will be located close to the street lines and will be designed to establish a quality street presence at the corner of Rymal Road East and Trinity Church Road in terms of building massing landscaping and the architectural treatment of the building which will establish a high quality design at key gateway location of Rymal Road East and Trinity Church Road. The proposal will be required to provide appropriate landscape along Trinity Church Road and Rymal Road East which will enhance the character of the area. The scale, bulk, and siting of Building one in proximity to the street lines of Rymal Road East and Trinity Church Road is similar to nearby developments, additionally the separation distance between the subject property and nearby residential areas will ensure that the proposed development will be compatible with adjacent residential areas. Minimum setback and landscape requirements, along with maximum height and gross leasable floor area requirements through the site specific by-law will establish design standards and restrictions that will ensure compatibility with the surrounding area. The details of the design will be evaluated and implemented through the Site Plan Approval process.

Town of Glanbrook Zoning By-law

The subject property is Zoned General Commercial “C3-249” Zone, which permits a range of commercial uses but a Motor Vehicle Gasoline Bar, Motor Vehicle Washing Establishment and a Drive Thru Restaurant are not permitted. An amendment to the Town of Glanbrook Zoning By-law No. 464 is required to add Motor Vehicle Gasoline Bar with accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant as a permitted use. In addition, a number of site specific modifications which include reductions to the required building setbacks, reduction in on-site parking, reduction in minimum parking space size, reduction in minimum access driveway width, size restrictions on medical clinics, modifications to the maximum gross floor area provisions, modification to the width of landscape strips, and reduced loading area are also required to allow for the implementation of the proposal. An analysis of the site

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specific modifications is included in the Analysis and Rationale for Recommendation Section of this Report.

RELEVANT CONSULTATION

The following Departments and Agencies have provided comments with respect to the proposed application:

Corporate Services, Finance (Budget and Finance), noted that the applicant should be aware of the Best Effort Storm and Sanitary Sewer Charges totalling \$46,589.53 that the applicant will be required to pay under the Summit Park Phase 5. In addition, the applicant is required to pay the outstanding Summit Park Phase 1 mainline flat fee of \$7,070.

Urban Forestry and Horticulture, Public Works Department, Urban Forestry staff noted that there were no Municipal Tree Assets of Significance on-site. A detailed Landscape Planting Plan prepared by a Certified Landscape Architect will be required as part of the Site Plan application process. A \$590 fee per street tree is required as part of the Site Plan application process.

Public Consultation:

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 16 property owners within 120 m of the subject lands on December 23, 2015. A public notice sign was also established on-site on January 12, 2016 and Notice of Public Meeting was circulated to 16 property owners within 120 m of the subject lands on June 17, 2016. At the time of the writing of this report a total of one letter of correspondence was received.

The letter of correspondence expressed opposition to the application to permit a Motor Vehicle Gasoline Bar, Motor Vehicle Washing Establishment and Drive through Restaurant, on the basis that the area was very busy and the location next a High School represents poor planning. The issues identified in the submission are discussed in the Analysis and Rationale for Recommendations section of the Report.

Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* through the circulation to property owners within 120 m of the subject lands and through the posting of a sign on the property.

ANALYSIS AND 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 the Growth Plan for the Greater Golden Horseshoe.
 - ii) The addition of a Motor Vehicle Gasoline Bar with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant is supportable as they will permit increase the a range of uses that are appropriate for the character and function of the area.
 - iii) It is compatible with the type and form of development in the surrounding neighbourhood.
2. The subject property is located on the south east corner of Trinity Church Road and Rymal Road East. The existing property is a vacant lot and the applicant is proposing to establish a 1,823 sq m commercial development (see Appendix “D” to Report PED16151).

Official Plan Amendment

Permitted Uses

A Motor Vehicle Gasoline Bar with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant is not permitted within the Local Commercial Designation of the Rymal Road Secondary Plan. The Local Commercial policies of the Rymal Road Secondary Plan intends for lands designated as Local Commercial to provide for the convenience shopping amenity needs of the surrounding residents as well as the pass-by traveling public. A Motor Vehicle Gasoline Bar and accessory Drive Thru Restaurant serve the daily and weekly needs of surrounding residents as well as the pass-by traveling public. The location of the subject property at the corner of Rymal Road East and Trinity Church Road and in proximity to the future Red Hill Valley Parkway represents an appropriate location for automotive related commercial uses that serve the daily and weekly needs of both surrounding residents and the pass-by traveling public.

The subject property is setback greater than a minimum of 120 m from any surrounding residential uses to the rear and more than 44 m from the residential properties located on the north side of Rymal Road East. The adjacent Secondary School, located to the east and south of the proposed commercial development has an outdoor sport field and open field area associated with the

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Secondary School abutting this site and is separated from the Secondary School buildings by a distance of over 100 m.

Therefore the proposed Motor Vehicles Gasoline Bar and accessory uses are adequately separated from existing residential and institutional uses and will not negatively impact the existing Secondary School or the existing residential uses in the area.

The proposed development was reviewed with respect to potential traffic impacts and on-site parking needs. A Traffic Impact Study and Parking analysis was undertaken by Paradigm Transportation Solutions Limited. The parking analysis concluded that the proposed parking provided on-site exceed the estimated parking demand for the proposed development. The Traffic Impact Study concluded that subject to three transportation system improvements the proposed development would not create negative traffic impacts. The three transportation system improvements include:

- 1) Two-way stop control with stop signs;
- 2) Fuel Deliveries to the site scheduled for off peak periods; and,
- 3) All reversing manoeuver should be completed on-site with the assistance of a flag man.

The proposed design will include walkways, architectural design elements, landscaping, and reduced building setbacks which will establish a high quality Urban Design for the proposed development.

On this basis, a site specific Amendment to permit the a Motor Vehicle Gasoline Bar, with an accessory Motor Vehicle Washing establishment, and Drive Thru Restaurant can be supported.

Maximum Gross Floor Area

The proposed 1,823 sq m of gross leasable floor area for all commercial development on-site exceeds the secondary plan maximum permitted gross leasable floor area of 1,500 sq m for any group of Local Commercial uses. A previous Amendment to the Rymal Road Secondary Plan under the Town of Glanbrook Official Plan was granted to permit an increase in the maximum total gross leasable floor area from 1,500 sq m to 2,500 sq m and to permit an increase in the maximum gross leasable floor are individual commercial establishment from 500 sq m to half of the total gross leasable floor area of the development. Due to the timing for both the Site Specific Amendment and the adoption of the Urban Hamilton Official Plan Council did not amend the Urban Hamilton Official plan to include the Site Specific Amendment, therefore the Site

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Specific Amendment was not carried forward into the Rymal Road Secondary Plan under the Urban Hamilton Official Plan. The proposed Amendment maintains the previously established maximum gross leasable floor area restrictions for both groups of Local Commercial uses and for any individual commercial establishment. Therefore, the proposed site specific Amendment has merit and can be supported.

3. **Zoning By-law Amendment**

The proposed Zoning By-law Amendment is to permit a Motor Vehicle Gasoline Bar with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant to the list of uses permitted in the General commercial “C3” for the subject property.

The property is located in proximity to and along high volume transportation routes and is adequately separated from existing residential uses and is therefore an appropriate use for the subject property.

The Motor Vehicle Gasoline Bar and accessory Drive Thru Restaurant serve the weekly and daily needs of residents in the area as well as the travelling public and therefore is conforms to the policies for Local Commercial uses.

The proposed use of a Motor Vehicle Gasoline Bar with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant is sufficiently setback from existing residential development and abuts only the outdoor recreation areas and open fields associated with the abutting Secondary School. The proposed development has also been reviewed with respect to traffic impacts and the parking needs of the subject lands. A Traffic Impact Study and Parking Analysis was undertaken and through which determined that adequate on-site parking was being provided and that subject to three conditions the proposed development would not create traffic impacts. The scale and design of the proposed development will be compatible with the surrounding area and will be controlled through both the site specific provisions of the implementing zoning By-law and through the review of the Site Plan Application. On this basis, the proposed additional uses will not negatively impact existing institutional and residential uses in the area.

The proposed Drive Thru restaurant will only be permitted as a use accessory to a Motor Vehicle Gasoline Bar, while other restaurant use may be undertaken on-site they will not be permitted to establish Drive Thru facilities. This restriction is appropriate as addition Drive Thru facilities would impede the flow of traffic on-site, would lead to further reduction in on-site parking, and would negatively impact the design and layout of the subject property.

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Therefore the proposed Zoning By-law Amendment to permit a Motor Vehicle Gasoline Bar along with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant can be supported.

Definition of a Motor Vehicle Gasoline Bar

The definition of a Motor Vehicle Gasoline Bar permits one or more pump islands for the sale of fuel, liquids and small accessories essential for operating motor vehicles and may include a shelter. The definition does not include oil changes, repairs or vehicle washing facilities. The proposed development will include an automated Motor Vehicle Washing facility accessory to the Motor Vehicle Gasoline Bar. Therefore staff are recommending that the definition of a Motor Vehicle Gasoline Bar be modified with respect to the subject property to allow a Motor Vehicle Gasoline Bar to also permit an accessory Motor Vehicle Washing Establishment.

The proposed modification will restrict Motor Vehicle Washing Establishments to permit the use only in association with a Motor Vehicle Gasoline Bar and will not permit a Motor Vehicle Washing Establishment as an independent or standalone use. This restriction is appropriate as unlike Motor Vehicle Gasoline Bars which serve the daily and weekly needs of surrounding residents a Motor Vehicle Washing Establishment do not serve this same function and therefore a Motor Vehicle Washing Establish that is no associated with and accessory to a Motor Vehicle Gasoline Bar would not be consistent with the intent of the Local Commercial designation which restricts Local Commercial areas to uses that serve the daily and weekly needs of surrounding residents and the pass-by traveling public.

Therefore the proposed modification to permit a Motor Vehicle Washing Station accessory to a Motor Vehicle Gasoline Bar can be supported.

Definitions of Medical Centre and Professional Office

The definition of a Medical Centre in the Glanbrook Zoning By-law is defined as having three or more practitioners. Medical offices with less than three practitioners are classified as being a Professional Office. Professional Offices include uses beyond medical uses, including any office where professional qualified persons, technical assistants and clerical staff are employed. In order to ensure that medical offices with less than three practitioners are included in the 210 sq m maximum gross floor area restriction, but do not also restrict non-medical professional offices, a change to the definition of Professional Office and Medical Centre is recommended.

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The change in definition will define Professional Office as not permitting medical uses and also redefine Medical Centre as being a building or part thereof used by one or more qualified medical practitioners.

As the proposed change in definition facilitates the implementation of the restriction on medical uses, the proposed modification has merit and can be supported.

Restriction on Medical Uses

Medical Centres is use that require a greater number of on-site parking spaces than other office uses and retail uses, there is a concern that if a larger proportion of the proposed commercial development were to be utilized for Medical Centres that the amount of on-site parking would not be sufficient to meet the parking needs of the subject property. To address ensure that Medical Centres do not dominate the subject property and thereby generate a deficiency between available on-site parking spaces and demand for on-site parking, a restriction on the amount of gross leasable floor permitted to be used for Medical Centres is to be established. A maximum gross leasable floor area of 210 sq m for Medical Centre uses is proposed to be established, which will permit a maximum of two of the proposed commercial units to be utilized as a Medical Centre. The proposed maximum gross leasable floor area for Medical Centres is appropriate as it restricts the size and scale of Medical Centres on-site and thereby prevents a deficiency in on-site parking. Therefore the proposed restriction on the maximum gross leasable floor are for Medical Centres can be supported.

Modifications:

A number of site-specific modifications are required in order to implement the proposed development and are outlined below:

Gross Leasable Floor Area:

The existing site-specific Zoning By-law General Commercial “C3-249” Zone permits a maximum 2,500 sq m of gross leasable floor area for any group of Local Commercial uses and restricts the maximum gross leasable floor area of any individual commercial establishment at half the total gross leasable floor area provided on-site. A previous application for Zoning By-law Amendment increased the maximum gross leasable floor area for any group of Local Commercial uses from 1,500 sq m to the current 2,500 sq m requirement and increased the maximum gross leasable floor area of any individual commercial establishment from 500 sq m to half of the total gross leasable floor area provided on-site. The

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existing restrictions with respect to maximum gross leasable floor area are not being changed under the new General Commercial “C3-293” Zone the proposed modifications is required to include these existing restrictions in the new site-specific General Commercial “C3-293” Zone applicable to this proposed site.

Setbacks

The proposed development will maintain a minimum front yard setback of 1.3 m, a minimum exterior side yard setback of 3.7 m, and a minimum rear yard setback of 1.4 m whereas a minimum front yard, exterior side yard, and rear yard setback of 4.5 m is required.

The General Commercial “C3-249” Zone identified that the lot line along Rymal Road East is considered for the purposes of the Zoning By-law to be the front lot line. This provision of the By-law will be maintained with respect to the new General Commercial “C3-293” Zone. Therefore the southerly lot line is considered the rear lot line, the easterly lot line is considered the interior side lot line, and the westerly lot line is considered the exterior side lot line.

Rear Yard

To the rear of the subject property the proposed development abuts the open fields and the sport fields that are associated with the adjacent Bishop Ryan Catholic Secondary School and does not abut residential uses. Therefore the proposed rear yard setback reduction from 4.5 m to 1.5 m will not negatively impact the adjacent land use to the rear and can be supported.

Exterior Side Yard

The exterior side yard setback for the buildings along Trinity Church Road (Westerly Side Yard) range from 4 m to 3.7 m. The proposed by-law reduction to 3.7 m between Buildings 1 and 2 and the street line along Trinity Church Road which constitutes a small portion of overall frontage along Trinity Church Road, and therefore the reduction does not create a significant impact, and in staff's opinion does not constitute a substantial reduction. Furthermore, given the limited development along Trinity Church Road, the proposed reduction to the exterior side yard setback will not adversely impact the character of the area.

Front Yard

The front yard setback of Building 1 is predominately 2 m which due to a curve in the property line, is reduced to 1.3 m for a small portion of the building. In addition, due to the width of the boulevard near the intersection of Rymal Road

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East and Trinity Church Road, Building 1 maintains a significant setback from the road. Building 1 extends for less than half the width of the property along Rymal Road East, with the remaining frontage being comprised of substantial landscaped area and a setback of 30 m to the Motor Vehicle Services Station (Building 4 and the associated gas pump canopy). The lands to the east are comprised of a sports stadium associated with the adjacent Secondary School, and given the distance between Building 1 and the sports stadium, the reduction in the front yard setback will have negligible visual impact. Based on the above, the proposed reduction in the minimum front yard is appropriate and will not impact the character of the area.

It is therefore the opinion of staff that the proposed reductions to the minimum rear yard setback, exterior side yard setback, and front yard setback can be supported.

Parking

Based on the size of the proposed commercial development and the uses proposed, a total of 122 on-site parking spaces are required under the Town of Glanbrook Zoning By-law.

The parking requirement of 122 on-site parking spaces is calculated based on a parking requirement of 5.5 spaces for each 100 sq m of gross floor area for shopping centre uses (Building 1 and 2) and one parking space for every 10 sq m of gross floor area for a Motor Vehicle Gasoline Bar and accessory uses (Building 3 & 4). Based on these parking requirements 76 parking spaces are required for the two commercial buildings and 46 parking spaces are required for the buildings Motor Vehicle Gasoline Bar and automated Motor Vehicle Washing Establishment.

Parking Study

A parking analysis was undertaken by Paradigm Transportations Solutions Limited, as part of the applications for Official Plan Amendment and Zoning By-law Amendment. The parking demand for the subject property was determined to be between 45 vehicles and 57 vehicles. This demand was based on the original development proposal for 1,778 sq m of gross floor area for all buildings and a total of 64 parking spaces were to be provided. The parking analysis concluded that as 64 parking spaces were being provide, sufficient on-site parking would be provided to meet the projected demand of 45 to 57 vehicles.

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The amended development increased the total gross floor area by approximately 45 sq m and increased the total number of parking spaces by seven spaces. Based on a projected demand for 57 parking spaces for a 1778 sq m development, it is anticipated that the proposed 1823 sq m development would require 59 parking spaces. Given the small scale of the proposed GFA increase and based on the increase in the total number of parking spaces it is the opinion of staff that the rational contained within the Parking Analysis can still be applied to the amended development.

The parking demand outlined in the parking analysis reflects other parking standards that are currently in effect for other areas of the City and the standards in place for the lands on the west side of Trinity Church Road. Seventy-two on-site parking spaces will be provide which exceeds the projected demand for parking identified in the parking analysis, the proposed on-site parking will meet the parking needs of the subject property.

Restriction on Medical Uses

With respect to parking associated with a Medical Centres, the proposed by-law restricts the scale of Medical Centres to a maximum of 210 sq m. As noted, the parking study identified an expected parking demand of 57 parking spaces, when adjusted for the small increase in the gross floor area, a demand for 59 parking spaces is expected. As 72 parking spaces are proposed on-site, an additional 13 parking spaces above what is required to meet the projected demand for parking are being proposed. The 13 parking spaces above the projected demand will ensure that the parking demands for the small scale of medical uses will not result in a parking demand that exceeds the amount of on-site parking.

On the basis of the above evaluation, the proposed parking ratio of one parking space for every 25.5 sq m of gross floor area for all the permitted commercial uses can be supported.

Parking Space Size

The parking provisions of the Town of Glanbrook Zoning By-law establish the minimum size of a required parking space, in order to ensure that parking spaces are of sufficient size to adequately accommodate a wide range of different vehicle types.

Perpendicular parking requires a minimum parking space size of 3 m by 6 m, except when there are more than 20 parking spaces, in which case a maximum of 35% of all required parking may have a minimum parking space size of 2.6 m by 5.8 m. The proposed parking spaces for the subject property will be 2.6 m

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wide by 5.5 m in length, which reflects the minimum size of parking spaces in the new City of Hamilton 05-200 Zoning By-law.

Therefore, the proposed reduction in the minimum parking space size can be supported.

Access Driveway

The parking provisions of the Town of Glanbrook Zoning By-law establish the minimum access driveway width of 6.0 m for a two way access driveway is required to ensure ingress and egress of every parking space can be safely achieved.

Access driveways with a width of 6.0 m are predominate throughout the site, with the exception of the access driveway to the south of the Motor Vehicle Gasoline Bar canopy, between the Motor Vehicle Gasoline Bar station canopy and the Drive Thru lane, which maintains a width of 4.2 m, and the Drive Thru lanes, which have a widths of 4.0 m.

The 4.2 m access driveway does not serve as a direct access to any parking spaces but allows traffic to manoeuvre around vehicles that are being fuelled at the gas pumps. The parking spaces on the west side of Building 4 are accessed by a 7.0 m wide access driveway which is accessed from the north by an access driveway in excess of the required 6.0 m.

The access driveway for the Drive Thru lanes does not require a 6.0 m wide access driveway as the Drive Thru lanes are one way and do not permit two way traffic. Therefore, the proposed 4.0 m wide access driveway for the Drive Thru lanes for the Restaurant and Motor Vehicle Washing Establishment is sufficient to provide access and allow for circulation of traffic on-site.

Based on the above analysis, the proposed reduction in minimum access driveway width can be supported.

Landscaping

The provisions of the Town of Glanbrook Zoning By-law require a landscaped area with a minimum width of 3.0 m to be provided and maintained along a street, in order to achieve a high quality of Urban Design and character. A proposed landscaped / planting strip with an average width of 2.0 m but not less than 1.3 m is proposed.

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As the entrances of the proposed development will be oriented away from both Rymal Road East and Trinity Church Road and instead will be oriented toward the parking area in the interior of the proposed development, high quality landscaping needs to be provided between the building and the street to establish and maintain an attractive streetscape character.

The subject property will maintain a 3.0 m wide landscape / planting strip along Trinity Church Road. Along Rymal Road East a landscape / planting strip of greater than 3.0 m will be provided for a significant portion of the street frontage, with a 2.0 m wide landscape / planting strip maintained between Building 1 and the property line, with the exception of a small portion at the north east corner of Building 1, where the landscape / planting strip will be further reduced to 1.3 m.

The proposed modification to allow for a landscape / planting strip with a required average width of 2.0 m but not less than 1.3 m in width will maintain a high quality landscaped area which will establish and maintain an attractive streetscape character. As it only pertains to a small portion of the site, the proposed modification can be supported.

Loading Space

Based on the size of the proposed development (1,823 sq m) a minimum of two dedicated on-site loading spaces are required, whereas zero dedicated on-site loading spaces are being proposed. Providing adequate on-site loading spaces is required in order ensure that the loading and unloading needs of the property are addressed on-site without negatively impacting traffic circulation.

The proposed gas station will receive fuel deliveries at the gas tanks, which are located underground to the west of the canopy. As a separation of 12.5 m is proposed between the gas station canopy and the parking spaces to the west, sufficient space exists for this activity to be undertaken without obstructing the traffic circulation of the subject property. Additionally as recommended in the Traffic Study prepared by Paradigm Transportation Solutions Limited fuel deliveries to the site are to be scheduled for off peak hours. Small scale loading activities undertaken from small delivery vans or other small delivery vehicles can be undertaken by briefly occupying one of the proposed parking spaces without any significant disruptions to internal traffic flows. For delivery vehicles that are large in size there is a space that is approximately 11.0 m in depth located to the north of (Building 4) that is intended for recessed refuse pick up, but can also be additionally utilized as a loading space for on-site loading and unloading activities of larger vehicles and would not negatively impact traffic circulation on-site.

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Therefore, the loading and unloading needs of the subject property will be met on-site without the need for two dedicated loading spaces. The proposed reduction in dedicated on-site loading spaces will not result in loading and unloading activities being undertaken on the street, as there is sufficient space on-site to provide loading and unloading space in a non-dedicated loading space capacity that will not result in negative impacts to internal traffic circulation on-site.

Therefore, the proposed reduction in on-site loading space can be supported.

Restriction on Outside Storage

The policies of the Rymal Road Secondary Plan prohibit Open Storage of goods and materials as Open Storage detracts from the design and character of development. While Outdoor Storage of goods and materials is prohibited the Outdoor Display of goods for sale (ex. bottles of windshield washer fluid displayed next to the gas pumps) would be permitted. The proposed By-law provision to prohibit Outdoor Storage of goods and material is in line with the policies of the Rymal Road Secondary Plan. Therefore the proposed by-law provision can be supported.

4. There are existing watermains, sanitary sewers, and storm sewers along both Trinity Church Road which will provide service connections for the proposed commercial development. Further review with respect to service demand, drainage, adequate pressure for fire flow, among others will be undertaken through the Site Plan Application process that will precede the development of the subject property.

At the Site Plan Application stage, review of servicing reports, site servicing plans, grading and drainage plans, storm water management reports, erosion and siltation control plans, fire flow testing, and other engineering and public works requirements will be evaluated to ensure that the development of the site will be adequately serviced and will not create negative impacts with respect to storm water runoff.

5. Based on the Karst Tracer Study for ROPA 9 Lands (Terra Dynamic Consulting Inc., April 2001) and the Upper Hannon Creek Master Drainage and Servicing Study-interim Report (AECOM, February 2015) karst features were identified within the vicinity of the subject property. Karst is a landscape feature that is commonly developed on limestone characterized by sink holes, sinking streams, closed depressions, subterranean drainage and caves. The applicant is advised that if karst features are found on the subject property, that a karst specialist be on site to employ mitigation measures that will ensure the karst feature and its

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function is not negatively impacted and to alleviate potential hazard associated with building above these features.

6. The original concept plan was reviewed in respect to the Urban Design of the subject property. A number of areas in which improvement to the design and layout of the proposed development were identified, including:
 - a) Locating Buildings 1 and 2 closer to Trinity Church Road to improve the street scape character and built form along Trinity Church Road;
 - b) Establishing pedestrian connections that will connect the walkways along the store fronts of Buildings 1 and 2 with the sidewalk along Trinity Church Road, and to establish a pedestrian connection to the convenience store associated with the Motor Vehicle Gasoline Bar;
 - c) Enhancement of the façade for Building 1;
 - d) Providing landscaping along Rymal Road East and Trinity Church Road; and,
 - e) Providing street entrances from Rymal Road East for the units in Building 1.

The applicant has addressed a number of these design improvements in the revised concept plan, including extending Buildings 1 and 2 closer to Trinity Church Road, establishing pedestrian connections to the buildings, and will provide enhanced landscaping. Enhancements to the façade of Building 1 and the details of enhanced landscaping will be evaluated in detail as part of the Site Plan application process. The only recommendation which the applicant does not wish to undertake is to provide street entrances along Rymal Road East for each of the units within Building 1. While some units may include entrances facing Rymal Road East, the use and operation of these entrances would depend on the operational nature and security needs of the business within the unit, and ultimately the entrances oriented towards the internal parking area would serve as the principal entrances to the commercial units. The principal entrances would not be oriented towards the street and any entrances facing Rymal Road East would be at best secondary entrances or non-functional entrances. The detailed design of the building will be reviewed and implemented through the Site Plan application, to ensure a high quality design for the building enhanced architectural treatment, signage, variations in building materials, variations in building height, window openings, and some entrances will be included on the north side of Building 1. While individual entrances for each commercial unit will not be provided, the building elevations for the north side of Building 1 will

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provide for a quality building design. Adequate pedestrian connections to the principal entrances of the building will be established and a quality of architectural design and landscaping will be required for the portion of Building 1 that is facing Rymal Road East. Therefore, orienting the principal entrance towards the interior parking area and not orienting the principal entrances toward Rymal Road East will not affect pedestrian connectivity and will not detract from the high quality design of the building and streetscape.

7. Following the Notice of Complete Application, staff received one letter of objection (see Appendix “E” to Report PED16151).

The concerns raised by the interested party pertained to the establishment of a Motor Vehicle Gasoline Bar, Motor Vehicle Washing Establishment, and a Drive Thru Restaurant and that these uses adjacent to a High School represented poor planning at a very busy location.

The subject property is setback more than 100 m from the High School Building and over 90 m from the nearest access driveway on Rymal Road East. The gas pumps for the Motor Vehicle Gasoline Bar and the building for the Motor Vehicle Washing Establishment are setback even further from the High School. The outdoor sports field is in proximity to the Drive Thru lanes for the restaurant use and Motor Vehicle Washing establishment and the convenience retail building associated with the proposed Motor Vehicle Gasoline Bar but will be separated by landscaping and fencing. Therefore, adequate separation and buffering exist between the existing High School and the proposed Motor Vehicle Gasoline Bar, accessory Motor Vehicle Washing Establishment and accessory Drive Thru Restaurant.

Commercial development with a maximum leasable gross floor area of 2,500 sq m is currently permitted in the existing Zoning whereas the proposed retail buildings and the buildings associated with the Motor Vehicle Gasoline Bar will have a leasable gross floor area of 1,823 sq m. In the absence of the Motor Vehicle Gasoline Bar and associated accessory uses it is anticipated that additional commercial buildings would be established on-site in excess of 1,823 sq m of leasable gross floor area potentially up to the maximum 2,500 sq m of leasable gross floor area. In the opinion of staff commercial development with a maximum gross leasable floor area of 2,500 sq m would result in more on-site activity than the proposed 1,823 sq m development which includes a Motor Vehicle Gasoline Bar.

The subject property is located at the intersection of a major arterial road and a collector road and in proximity to the future Red Hill Valley Parkway. The proposed use of the lands as a Motor Vehicle Gasoline Bar along with an

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accessory Motor Vehicle Washing Establishment and accessory Drive Thru Restaurant represents an appropriate use for the lands.

ALTERNATIVES FOR CONSIDERATION

If the applications for Official Plan Amendment and Zoning By-law Amendment are denied, the lands can be developed and used in accordance with the range of use and provisions of General Commercial “C3-249” Zone, which does not permit a Motor Vehicle Gasoline Bar, a Motor Vehicle Washing Establishment or Drive Thru Restaurant but permits a range of Commercial uses.

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).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.3 Enhance customer service satisfaction.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

3.4 Enhance opportunities for administrative and operational efficiencies.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Official Plan Amendment
- Appendix “C”: Draft By-law and Schedule A Map
- Appendix “D”: Concept Plan
- Appendix “E”: Letter from Interested Parties