



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 20, 2016
SUBJECT/REPORT NO:	Application for an Urban Hamilton Official Plan Amendment for Lands Located at 1575 Upper Ottawa Street (Hamilton) (PED16190) (Ward 6)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	Greg Macdonald Senior Planner (905) 546-2424 Ext. 4283 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That approval be given to **Urban Hamilton Official Plan Amendment Application UHOPA-16-009, by GPM (12) GP Inc., Owner**, to amend the Urban Hamilton Official Plan (UHOP) in order to establish a Site Specific Policy to permit a range of commercial uses within the "Arterial Commercial" designation, at 1575 Upper Ottawa Street (Hamilton), as shown on Appendix "A" to Report PED16190, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED16190, be adopted by City Council.
 - (ii) That the proposed Urban Hamilton Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That the subject lands be redesignated within the Rymal Neighbourhood Plan from "Restricted Industrial" to "Restricted Commercial".

EXECUTIVE SUMMARY

GPM (12) GP Inc., through their planning consultant, Bousfields Inc., has applied for an Official Plan Amendment for the lands located at 1575 Upper Ottawa Street (Hamilton) in order to permit a greater range of commercial uses within the "Arterial Commercial" designation specifically, retail stores, personal services, financial establishments and offices. These uses are all existing on the subject lands and permitted in the existing Zoning By-law but not permitted within the "Arterial Commercial" designation. The applicant has applied to permit these uses within the potential Arterial Commercial (C7) Zone.

The application to permit these additional commercial uses can be supported as it will serve to maintain the range of permitted uses within the "Arterial Commercial" designation and give greater flexibility on a site that abuts a range of residential and other non-arterial commercial uses. To maintain the intent of the "arterial Commercial" designation and allowing some greater flexibility for the site, a site specific restriction of 1,500 sq m for retail uses and 1,767 sq m for office uses is recommended.

Alternatives for Consideration – See Page 12

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 an application for an Official Plan Amendment.

HISTORICAL BACKGROUND

Application:

The applicant has applied for a UHOP Amendment to establish a Site Specific Policy in order to permit additional commercial uses within the "Arterial Commercial" designation. More specifically, the application proposes that retail stores, personal services, offices, financial establishments, restaurants, motor vehicle service stations and car washes be permitted (it should be noted that restaurants, motor vehicle service stations and car washes are already permitted within the "Arterial Commercial" designation and do not need to be added). Appendix "C" to Report PED16190 is a survey plan of the subject lands.

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Chronology:

- March 11, 2016: UHOP Amendment Application UHOPA-16-009 received by the City of Hamilton.
- March 24, 2016: UHOP Amendment Application UHOPA-16-009 deemed complete.
- April 18, 2016: Notice of Complete Application and Preliminary Circulation for UHOP Amendment Application UHOPA-16-009 sent to 196 property owners within 120 m of the subject lands.
- April 26, 2015: Public Notice sign erected on the subject lands.
- August 24, 2016: Public Notice sign updated with Public Meeting date.
- September 2, 2016: Circulation of Public Meeting Notice for UHOPA-16-009 to 196 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 1575 Upper Ottawa Street (Hamilton)

Owner / Applicant: GPM (12) GP Inc.

Agent: Bousfields Inc.

Property Description: Area: 2.14 ha
Frontage: 142 m (along Upper Ottawa Street)
Depth: 86 m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Commercial Plaza	"M-11" (Prestige Industrial) District and "M-12 (Prestige Industrial) District
<u>Surrounding Lands:</u>		
North	Banquet Centre	Business Park Support (M4) Zone

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South	Offices and Light Industrial	"M-12" (Prestige Industrial) District, "M-12/S-1134" (Prestige Industrial) District, Modified and "M-12/S-998a" (Prestige Industrial) District, Modified
East	Commercial Plaza (on Rymal Road East) and Offices and Light Industrial (on Lancing Drive)	"M-11/S-1311" (Prestige Industrial) District, Modified and Prestige Business Park (M3) Zone
West	Single Detached Dwellings	"C" (Urban Protected Residential, Etc.) District, "L-mr-1/S-726" (Planned Development) District, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS:

Provincial Policy Statement (2014):

The application has been reviewed with respect to the PPS. The application is consistent with the policies that focus on growth in Settlement Areas 1.1.3.1. and provides for a mix of commercial land uses which implements Policy No. 1.1.3.2(a). It also contributes to providing for an appropriate mix and range of employment, including commercial uses to meet long-term needs based on Policy No. 1.3.1(a) and (b).

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

Growth Plan for the Greater Golden Horseshoe:

The subject lands are located within a built-up area, as defined by the Growth Plan. Policy No. 2.2.2 states that population and employment growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification; by planning for a balance of jobs in communities; and to encourage cities to develop as complete communities with a diverse mix of land uses and a range and mix of employment. In this regard, the proposed development, which serves to make changes only in the form of additional commercial uses where commercial development is already permitted, conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Urban Hamilton Official Plan:

The subject lands are identified as a "Secondary Corridor" on Schedule "E" – Urban Structure and designated "Arterial Commercial" on Schedule "E-1" – Urban Land Use Designations. The subject lands are not within any Secondary Plan area.

Urban Corridor Policies

The following policies, amongst others, would apply:

- "E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed uses where feasible, supported by higher order transit on the Primary Corridors.
- E.2.4.5 Secondary Corridors shall serve to link nodes and employment areas, or Primary Corridors.
- E.2.4.6 Urban Corridors shall function as commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to a broader regional market may be also permitted.
- E.2.4.7 Portions of the Urban Corridors shall be designated to permit arterial commercial type uses as set out in Section E.4.8 – Arterial Commercial Designation. Permitted uses include retail stores which are land extensive, require outdoor storage or have a warehouse-type character as well as services catering to the travelling or drive-by consumer.

Scale

- 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 characterized, 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."

The polices above note the importance of Urban Corridors in providing connections to employment areas and to major activity centres. Urban Corridors are generally meant to include higher intensity land uses including mixed-use, higher densities, and a range of commercial uses. These policies apply to the corridor as a whole but may not necessarily apply to every site. Policy direction in E.2.4.3, E.2.4.6 and E.2.4.12, that they are also intended to function as commercial spines to provide for daily and weekly shopping needs and to transition to provide multiple storey, mixed use buildings would not apply to the subject lands as the subject lands are within the “Arterial Commercial” designation and this is not the vision for such a designation. Policy E.2.4.7 notes that portions of the corridor can be designated to also permit arterial commercial land uses. Finally, with regard to Policy E.2.4.13, the subject lands are not currently part of any Secondary Planning or Corridor Study.

Based on the above, the proposal to recognize and permit the existing retail, service and office uses (which are already permitted under the existing Zoning By-law) in addition to the list of permitted arterial commercial uses (that are permitted under the existing Official Plan but not yet in the Zoning By-law) does not conflict with the policies that pertain to Urban Corridors. These additional uses would not detract from the ability of the subject lands to also provide for arterial commercial uses in accordance with Policy E.2.4.7.

General Commercial Policies and “Arterial Commercial Policies”

The following General Commercial Policy and polices of the “Arterial Commercial” designation would apply, amongst others:

"E.4.2.6 A limited range and scale of retail and service commercial uses catering to the traveling consumer, are land extensive retail establishments, or cannot be appropriately accommodated in areas designated Mixed Use, shall be permitted in and directed to the Arterial Commercial designation."

E.4.8 Arterial Commercial Designation

The Arterial Commercial designation is intended to provide for a range of uses catering to the traveling or drive-by consumer as well as retail stores, which are land extensive and require outdoor storage or sales and cannot be appropriately accommodated in the other designations.

Function

E.4.8.1 The range of permitted uses is intended to cater to the traveling or drive-by consumer. As well, the designation is intended to accommodate a limited range of land extensive retail stores which require outdoor storage or sales.

Permitted Uses

E.4.8.2 The following uses shall be permitted on lands designated Arterial Commercial on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses including banquet halls, restaurants including garden centres, furniture stores, building and lumber supply establishment, home improvement supply store, and retail primarily for the sale of building supplies;
- b) automotive related uses primarily for vehicle sales, service and rental, parts sales, gas bars, car washes, and service stations;
- c) commercial recreational uses, commercial entertainment uses, excluding theatres;
- d) industrial supply and service and contractor sales; e) accommodation, excluding residential uses;
- f) enclosed storage including mini warehousing; and,
- g) accessory uses.

Prohibited Uses

E.4.8.3 Notwithstanding Policy E.4.8.2, the following uses shall be prohibited on lands designated Arterial Commercial on Schedule E-1 – Urban Land Use Designations:

- a) department stores;
- b) food stores;
- c) residential uses; and,
- d) stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise.

Design

E.4.8.4 Site plan standards shall be developed to address the unique siting and design challenges of areas designated Arterial Commercial including those inherent in siting and buffering large buildings, large parking lots, blank building walls, and drive-throughs. As well, landscape standards shall be developed to provide buffer plantings along boulevards and within the site to address these matters.

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- E.4.8.5 Setbacks and siting shall be addressed in detail through secondary plan policies, the implementing Zoning By-law, and site plan approval. Pedestrian walkways shall be included within the site and between sites so pedestrians may comfortably access Arterial Commercial designated properties.
- E.4.8.6 Areas designated Arterial Commercial shall be designed to improve the aesthetics from the public realm."

With regards to Policy E.4.2.6, while the subject lands are designated for arterial commercial uses, the property contains three commercial buildings in a traditional shopping plaza form that contain predominantly non-arterial commercial uses. These existing uses generally do not cater to the traveling consumer and the existing plaza orientation would not accommodate a land extensive retail establishment, however it is the intended vision of the UHOP that the area be redeveloped for arterial commercial uses. The intent of this policy is maintained as the application would not allow for the expansion of non-arterial uses but would rather recognize existing non-arterial uses (retail, offices, financial establishments and personal services) while protecting for the full range of permitted arterial commercial uses.

Due to market considerations (i.e. the proximity of the subject lands to both employment land, major roads, and residential development); the generally permissive nature of the existing Zoning By-law; and, the historic "Commercial" land use designation within the former Hamilton Official Plan, for the most part the subject lands have not been developed either for light industrial uses or for arterial commercial uses. As already noted, the lands are situated such that a mix of commercial and residential uses (along with light industrial uses) exist in close proximity. Lands to the west are predominantly residential and commercial, while lands to the east and north are predominantly light industrial (with some additional retail and service commercial plazas). Notwithstanding, the subject lands form part of a grouping of other arterial commercial designated lands on both the north and south sides of Rymal Road East that stretch from Upper Ottawa Street to Nebo Road (the next major road to the east). Therefore, due to the close proximity of these lands to major residential areas (which are located on the west side of Upper Ottawa Street across from the subject lands), and the permissions under the current "M-11" and "M-12" (Prestige Industrial) District Zoning, these lands have developed into a shopping, service commercial, and office hub that provides more of the daily and weekly needs for the local community, rather than functioning as a regional or highway commercial area.

The proposal serves to maintain all of the existing arterial commercial land use permissions but would add retail uses, personal services, financial establishments (i.e. service commercial uses) and office uses. The additions of these uses reflect both the existing situation on the subject lands, recognizing the subject land's location and existing plaza configuration. In this way, the primary commercial structure of the UHOP is being maintained and the proposal can be supported as it maintains the primary

intent of the UHOP to provide for a range of commercial uses to serve a multitude of purposes and customers, including intended arterial commercial customers as part of the properties' clustering with other "Arterial Commercial" designated lands to the east and south.

To ensure protection of the subject lands for a greater range of uses, it is also proposed by staff to place a restriction on the amount of retail and office uses permitted to a maximum of 1,500 sq m for retail uses and 1,767 sq m for office uses. This floor area restriction recognizes the general amount of existing retail and office uses within a plaza configuration and is to maintain "Arterial Commercial" land use permissions. It should be noted that the proposed Site Specific Policy would still maintain the prohibited residential and department store restrictions noted in Policy E.4.8.3(c). However, since retail stores and offices would be limited to the approximate amount of the existing floor area (1,500 sq m and 1,767 sq m respectively) the proposal can allow for food stores and the other range of retail stores that would not normally be permitted in an arterial commercial designation as a range of retail stores already exist on the subject lands and the floor area cap would only allow for smaller stores, not larger food stores which are directed to the "District Commercial" designation.

Rymal Neighbourhood Plan:

The subject lands are designated "Restricted Industrial" within the Rymal Neighbourhood Plan. There is no accompanying policy document for this plan. This designation is not consistent with the existing "Arterial Commercial" designation within the UHOP. However, the subject lands contain similar commercial characteristics of other lands within the Neighbourhood Plan that are designation "Restricted Commercial". There is no differentiation or other description within the Neighbourhood Plan for commercial lands. Therefore, a recommendation has been included in this Report to redesignate the subject lands at 1575 Upper Ottawa Street from "Restricted Industrial" to "Restricted Commercial".

RELEVANT CONSULTATION

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

- Forestry and Horticulture Section (Public Works Department);
- Source Protection Planning Section (Public Works Department); and,
- Corridor Management Section (Public Works Department).

The following Departments and Agencies submitted the following comments:

Hamilton Street Railway (HSR) has advised that the #22 Upper Ottawa and #44 Rymal buses pass this site. Street orientation and pedestrian entrances and high

quality amenities are preferable. Reuse and intensification of sites adjacent to transit routes is encouraging. A ten year transit strategy has been approved to update service standards; to accommodate on-going growth; and to promote ridership and additional express bus services. In this regard the proposal would aid in implementing HSR comments in that retail uses, offices and other service commercial uses in close proximity to residential areas that can supply daily and weekly commercial needs to residents is transit supportive.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 196 property owners within 120 m of the subject property on April 18, 2016, requesting public input on the application. A Public Notice sign was also posted on the property on April 26, 2016 (Notice of the Public Meeting was given, in accordance with the requirements of the *Planning Act*). To date, no correspondence from the public has been received.

ANALYSIS AND RATIONALE FOR RECOMMENDATION:

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS and conforms to the Growth Plan for the Greater Golden Horseshoe; and,
 - (ii) The development serves to alter the range of the commercial uses on lands already designated for commercial uses with zoning that also currently permits a range of commercial uses; provides greater flexibility of shopping options for area residents; and, recognizes existing uses that are currently permitted on the subject lands by adding additional uses within a commercial plaza configuration.
2. The subject lands currently contain the following uses:
 - Four restaurant uses (Harvey's, Swiss Chalet, City Pizza and Greek Grill);
 - A private club (GLI Azzuri Social Club);
 - A home health care sales establishment (Shoppers Home Health Care);
 - A pharmacy (Pharmasave);
 - General retail (Herbal Magic);
 - Paint sales (Sherwin-Williams Paints);
 - General offices (Alzheimer Society and Co-operators Claims Office);
 - Medical related offices/Personal Services (KGC Therapy and Family and Cosmetic Dentistry); and,
 - Drive-through bank machine (unoccupied).

The purpose of the application is to recognize a number of uses that currently exist on the subject lands at 1575 Upper Ottawa Street (which consists of three commercial buildings) including retail, personal services, financial establishment, and office uses. These uses are permitted on the subject lands pursuant to the existing “M-11” and “M-12” (Prestige Industrial) District zoning, although not all of the existing uses are permitted in both zones. However, the subject lands are designated “Arterial Commercial” in the UHOP and as such, when new commercial zoning for By-law No. 05-200 is implemented, these uses would not then be permitted. Instead of the existing uses continuing as “legally established non-conforming” to the upcoming Zoning By-law, the applicant has proposed to permit them within the “Arterial Commercial” designation to allow for the uses to be recognized in the comprehensive new commercial zoning By-law.

Of these existing uses, only the restaurants are permitted within the “Arterial Commercial” designation. The remaining uses would be more likely to be located within either “District Commercial” areas, the “Mixed Use” designations, or as local commercial uses within the “Neighbourhoods” designations.

3. There are a number of unique site characteristics and mitigating facts that generally lend support to recognizing certain non-arterial uses on the subject lands. These include:
 - All of the proposed non-arterial commercial uses already exist on the subject lands and are permitted by the current in-effect Zoning By-law based on locations within either the “M-11” or “M-12” Zones. Should new (C7) zoning be implemented that doesn’t permit the uses, they could continue as legally established non-conforming uses and could potentially even expand or change, pursuant to Section 45(2) of the *Planning Act*. It is unlikely that based on the plaza configuration, in a well maintained commercial property, that the three commercial buildings would be demolished and replaced by large land intensive development (such as a major home improvement centre) in the medium term time frame.
 - The proposal still includes retaining the “Arterial Commercial” designation to ensure that a range of uses would be permitted that can serve both local residents, the travelling public, and a regional shopping base. Staff are recommending that a cap be included to only permit a maximum of 1,500 sq m of retail uses and 1,767 sq m of office uses on the subject lands to further provide assurances that a mix of commercial opportunities be provided on the subject lands and to protect for predominantly arterial commercial planned development. These 1,500 sq m and 1,767 sq m caps on retail and office uses respectively, also reflect the approximate amount of total existing retail and office uses within the existing plaza and

would allow for flexibility for existing uses to move or change within the plaza while still ensuring a mix of other commercial uses (i.e. restaurants, personal services, financial establishments and arterial commercial uses). Department store and residential prohibitions within the existing “Arterial Commercial” designation policies are maintained.

- The subject lands are on the extreme westerly periphery of this “Arterial Commercial” cluster of lands and abut (across Upper Ottawa Street) lands designated “Neighbourhoods” in the UHOP, consisting of single detached dwellings and block townhouses. Therefore, the subject lands are at a gateway location into the “Arterial Commercial” section along Rymal Road East and provide a unique location that abuts residential, employment land and commercial lands. Given the proximity of these varied uses, it is reasonable to conclude that a greater mix of commercial uses would be appropriate to provide a greater mix of shopping and office opportunities for a greater range of customers.

Based on the above, the proposal to allow additional non-arterial commercial uses on the subject lands can be supported.

4. As discussed above, while the introduction of offices, retail, financial establishments and personal services is appropriate, the Site Specific Policy Area should include both a cap on office space to 1,767 sq m and a retail cap of 1,500 sq m. These caps would ensure a range of uses and to not preclude arterial commercial uses being developed on the subject lands. They also reflect the approximate amount of existing gross floor area within the plaza for offices and retail uses that exists for these uses. Caps for other forms of additional uses (i.e. financial establishments and personal services) are not needed as these forms of uses in large plazas would rarely consist of large amounts of gross floor area (i.e. small salons, therapeutic services, etc.) and multiple competing financial establishments infrequently co-exist on the same property outside of much larger “District Commercial” or mall sized properties.
5. The applicant originally also requested that the Site Specific Policy include permission for restaurants, gas bars, car washes and service stations. However, these commercial are permitted under the current “Arterial Commercial” designation as-of-right.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the lands could continue to be used for a range of uses within the “M-11” and “M-12” (Prestige Industrial) District which include a large range of commercial uses until such times as the lands are rezoned as part of the Commercial – Mixed Use Zoning project. Should new arterial commercial zoning be implemented

which does not permit the existing uses, they would continue as “legally established non-conforming 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).

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Official Plan Amendment
- Appendix “C”: Property Survey

GM:mo