



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 6, 2017
SUBJECT/REPORT NO:	Application for a Change in Zoning for Lands Located at 1405, 1439, and 1447 Upper Ottawa Street (Hamilton) (PED17075) (Ward 6)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	Robert Clackett (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Amendment Application ZAC-16-047, by Wilson – Blanchard Management (c/o Robert Miles, Owner)**, for a modification to the “M-11” (Prestige Industrial) District, in order to permit a variety of commercial uses in an existing plaza containing 22 commercial rental units, for lands located at 1405 Upper Ottawa Street (Hamilton), as shown on Appendix “A” to Report PED17075 be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED17075, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “B” to Report PED17075, be added to Sheet No. “E59c” of the District Maps of City of Hamilton Zoning By-law No. 6593;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan; and,
 - (iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

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- (b) That **Amended Zoning By-law Amendment Application ZAC-16-047, by Wilson – Blanchard Management (c/o Robert Miles, Owner)**, for a further modification to the Business Park Support (M4) Zone, for the lands located at 1439 Upper Ottawa Street and 1447 Upper Ottawa Street (Hamilton), as shown on Appendix “A” to Report PED17075, be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED17075, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Places to Grow Plan; and,
 - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan.
- (c) That upon finalization of the amendment to City of Hamilton Zoning By-law No. 6593 and No. 05-200, that the Rymal Neighbourhood Plan be amended to redesignate 1439 and 1447 Upper Ottawa Street from “Restricted Commercial” to “Restricted Industrial / Commercial”.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendments for lands located at 1405, 1439, and 1447 Upper Ottawa Street are to permit a variety of Business Park Support uses as well as additional Commercial uses (see Appendix “F” to Report PED17075) to allow the following:

- to amend the City of Hamilton Zoning By-law No. 6593, for the lands located at 1405 Upper Ottawa Street, to rezone the subject lands to a modified “M-11” (Prestige Industrial) District, in order to permit the following additional uses:
 - Financial Establishment;
 - Restaurant and accessory Commercial Patio;
 - Veterinary Services / Clinics;
 - Animal Shelters and Indoor Kennels (accessory to a pet store or Veterinary Service / Clinic);
 - Courier Establishment;
 - Repair Services; and,
 - Personal Services.

and,

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- to amend the City of Hamilton Zoning By-law No. 05-200, for the lands located at 1439 and 1447 Upper Ottawa Street, to rezone the subject lands to a modified Business Park Support (M4) Zone, in order to permit the following additional uses:

1439 Upper Ottawa Street:

- Outdoor Commercial Patio (accessory to a restaurant);
- Craftsperson Shop;
- Computer, Electronics and Data Processing Establishment; and,
- Head Office (for Religious Supplies Chain Business).

In addition, the applicant has requested that the existing site specific permissions, with respect to a Place of Worship, which is already permitted by Special Exception No. 369 in Hamilton By-law No. 05-200, be retained.

1447 Upper Ottawa Street:

- Outdoor Commercial Patio (accessory to a restaurant);
- Craftsperson Shop;
- Computer, Electronics and Data Processing Establishment; and,
- Head Office (for Religious Supplies Chain Business).

Modifications to Zoning By-law Nos. 6593 and 05-200 are required to implement the proposal. Furthermore, the requested uses have been scoped in order to allow for only those uses that comply with the UHOP in terms of use and performance standards.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe and complies with the Urban Hamilton Official Plan (UHOP). The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration – See Page 19

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 Amendment to the Zoning By-law.

HISTORICAL BACKGROUND

The subject lands, totalling 4.57 ha, are located on the east side of Upper Ottawa Street, between Stone Church Road East and Rymal Road East, known municipally as 1405, 1439, and 1447 Upper Ottawa Street (see location map attached as Appendix “A” to Report PED17075).

Currently a single storey commercial plaza exists at 1405 Upper Ottawa Street and is made up of 22 commercial rental units and 103 parking spaces. A single storey commercial plaza also exists at 1439 Upper Ottawa Street which is made up of 18 commercial rental units and has 65 parking spaces on site. These two properties are separated by a single storey linear commercial plaza at 1423 Upper Ottawa Street. A single storey commercial condominium plaza adjacent to 1439 Upper Ottawa Street exists at 1447 Upper Ottawa Street, made up of 19 units and 102 parking spaces.

Zoning By-law Amendment:

The applicant’s revised request is to amend the City of Hamilton Zoning By-law No. 6593, for the lands located at 1405 Upper Ottawa Street, to rezone the subject lands to a modified “M-11” (Prestige Industrial) District, in order to permit the following additional uses:

- Financial Establishment;
- Restaurant and accessory Commercial Patio;
- Veterinary Services / Clinics;
- Animal Shelters and Indoor Kennels (accessory to a pet store or Veterinary Service / Clinic);
- Courier Establishment;
- Repair Services; and,
- Personal Services.

The applicant also proposes to amend the City of Hamilton Zoning By-law No. 05-200, for the lands located at 1439 and 1447 Upper Ottawa Street, to rezone the subject lands to a modified Business Park Support (M4) Zone, in order to permit the following additional uses:

1439 Upper Ottawa Street:

- Place of Worship, which is already permitted by Special Exception No. 369 in Hamilton By-law No. 05-200;
- Outdoor Commercial Patio (accessory to a restaurant);
- Craftsperson Shop;

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- Computer, Electronics and Data Processing Establishment; and,
- Head Office (for Religious Supplies Chain Business).

1447 Upper Ottawa Street:

- Outdoor Commercial Patio (accessory to a restaurant);
- Craftsperson Shop;
- Computer, Electronics and Data Processing Establishment; and,
- Head Office (for Religious Supplies Chain Business).

The applicant's revised Zoning By-law Amendment application complies with the policies of the Urban Hamilton Official Plan (UHOP) pertaining to uses within lands designated "District Commercial" and "Employment Area – Business Park".

Chronology:

July 14, 2016: Application for Zoning By-law Amendment and Condominium Conversion received with required studies and reports.

August 12, 2016: Application deemed complete.

August 26, 2016: Initial Public Notice Sign was posted on the subject lands.

August 29, 2016: Notice of Complete Application and Preliminary Circulation were mailed to 257 property owners within 120 m of the subject lands.

May 10, 2017: Public Notice Sign updated to include date of Public Meeting.

May 19, 2017: Circulation of Notice of Public Meeting to 257 property owners within 120 m of the subject lands and all residents who provided written comment.

Details of Submitted Application:

Location: 1405, 1439, and 1447 Upper Ottawa Street (see Location Map attached as Appendix "A" to Report PED17075)

Owner: Wilson-Blanchard Management (c/o Robert Miles)

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

Property Description: 1405 Upper Ottawa Street: Lot Frontage: 113.6 m

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	Lot Depth:	75.25 m
	Lot Area:	0.9 ha
1439 Upper Ottawa Street:	Lot Frontage:	67.13 m
	Lot Depth:	85.23 m
	Lot Area:	0.68 ha
1447 Upper Ottawa Street:	Lot Frontage:	103 m
	Lot Depth:	86 m
	Lot Area:	0.81 ha

Services: Municipal Piped Water System
Municipal Sanitary Sewer System
Sewer Drainage

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Commercial	“M-11” (Prestige Industrial) District (1405 Upper Ottawa Street)
		Business Park Support (M4, 369) Zone (1439 Upper Ottawa Street)
		Business Park Support (M4) Zone (1447 Upper Ottawa Street)

Surrounding Lands:

North	Commercial	“G-1/S-1650” (Designed Shopping Centre) District, Modified
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South	Medical Clinic	Business Park Support (M4) Zone
East	Employment Uses	“M-14/S-1120” (Prestige Industrial) District, Modified Prestige Business Park (M3) Zone
West	Commercial	“G-1/S-280” (Designed Shopping Centre) District, Modified
	Residential	“RT-20/S-280” (Townhouse – Maisonette) District, Modified “C” (Urban Protected Residential, etc.) 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.

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 Official Plan analysis below.

As the amended applications for changes in zoning comply with the Official Plan, 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,

- conforms to the *Growth Plan for the Greater Golden Horseshoe*.

Urban Hamilton Official Plan (UHOP)

1405 Upper Ottawa Street:

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “District Commercial” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, apply to the proposal.

District Commercial

- “E.4.7.1 The range of retail uses are intended to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods. The District Commercial areas shall also serve as a focus for the adjacent neighbourhood(s) by creating a sense of place.
- E.4.7.2 The following uses shall be permitted on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;
 - b) medical clinics and offices provided they are located above the first storey;
 - c) residential uses provided they are located above the first storey of a mixed use building; and,
 - d) *accessory* uses.
- E.4.7.3 Notwithstanding Policy E.4.7.2, the following uses shall be prohibited on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:
- a) vehicle dealerships;
 - b) garden centres as a primary use; and,
 - c) a single use over 10,000 square metres in floor area.”

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In order to comply with the UHOP policies outlined above, a requirement has been placed in the amending By-law to restrict the size of a single use (see Appendix “B” to Report PED17075).

The subject lands are an existing lot of record on the periphery of the East Hamilton Mountain Business Park. They service Business Park lands to the east and south as well as residential lands to the west and north. An established commercial plaza is situated on the subject lands. No alterations to the site or exterior of the buildings are proposed. The “District Commercial” designation permits commercial uses that are intended to serve the daily and weekly needs of residents in the surrounding neighbourhoods and thereby allows the following proposed uses:

- Financial Establishment;
- Restaurant and accessory Commercial Patio;
- Veterinary Services/Clinics;
- Animal Shelters and Indoor Kennels (accessory to a pet store or Veterinary Service/Clinic);
- Courier Establishment;
- Repair Services; and,
- Personal Services.

These uses have been included in the amending By-law. A number of Commercial uses permitted by the (M4) Zone are already permitted by the “M-11” District and will remain.

1439 and 1447 Upper Ottawa Street:

The subject properties are identified as “Employment Area” on Schedule “E” – Urban Structure of the UHOP, and are designated “Employment Area – Business Park” on Schedule “E-1” – Urban Land Use Designations of the UHOP. Accordingly, the following policies, amongst others, apply to the proposal:

“E.2.7.2 Employment Areas shall provide employment through a broad range of uses, including traditional industrial uses, research and *development* uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. Major retail uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.

E.2.7.3 Employment Areas shall provide for a diverse range of employment opportunities in proximity to the City’s major infrastructure including the Port, the Airport, and the highway and transit network. It is important to provide a range of opportunities in order to meet the varying locational and

market requirements for businesses including regionally significant industries.

E.2.7.4 To meet the long-term market demands and locational requirements of the various industrial sectors, existing Employment Areas shall be retained.”

Employment lands are limited within the municipality, and the intent of the Employment Area identification is to preserve and protect a broad range of employment uses and to restrict and preclude new ancillary non-employment uses, unless the uses support the businesses and employees of the employment area.

Staff find that the proposed Craftsperson Shop; Computer, Electronic and Data Processing Establishment; and, Outdoor Commercial Patios (accessory to a Restaurant) are permitted uses pursuant to Policy E.2.7.2 as they are considered industrial uses or research and development uses. Policy E.2.7.2 also states that uses which support the businesses and employees of the employment area shall be permitted.

Staff find that these uses can be considered uses which support businesses and employees of the employment area. The applicant has demonstrated that these proposed uses will strictly serve the Business Park community and not the larger catchment of the East Hamilton Mountain community. Accordingly, the proposal satisfies Policy E.2.7.2.

The following policy goals regarding the Employment Area Designation, amongst others, apply to the subject proposal:

“E.5.1.4 Protect lands designated Employment Area from non-employment uses and to support the employment functions of the City’s Downtown, nodes and corridors. New *major retail* uses shall be prohibited and office uses shall be restricted in function and scale.”

A Craftsperson Shop; Computer, Electronic and Data Processing Establishment; and, Outdoor Commercial Patios (accessory to a Restaurant) are considered employment uses. Accordingly, the proposal to add these uses as permitted uses on the subject lands is in compliance with Policy E.5.1.4 which requires the protection of lands designated Employment Area from non-employment uses.

The following policies, amongst others, also apply:

“E.5.2.1 Employment Area designations include lands designated on Schedule E-1 – Urban Land Use Designations as follows:

b) Employment Area – Business Park;

E.5.2.4 Uses permitted in the Employment Area designations shall include clusters of business and economic activities such as, manufacturing, research and development, transport terminal, *building or contracting supply establishment*, tradesperson’s shop, warehousing, *waste management facilities*, private power generation, limited agricultural uses, office, and *accessory* uses. *Ancillary* uses which primarily support businesses and employees within the Employment Area shall also be permitted. Permitted uses specific to the four Employment Area designations are contained in Policies E.5.3.2, E.5.4.3, E.5.5.1, E.5.5.2 and E.5.6.1 (OPA 23).”

The following policies, amongst others, apply specifically in relation to the Business Park designation:

“E.5.4.1 The range of employment uses allows for a wide variety of industrial activity and accommodates employment support uses, such as offices, that will foster the development of a prestige employment area. The Employment Area – Business Park designation applies to the City’s Business Parks, excluding the Airport Business Park, identified on Schedule E-1 – Urban Land Use Designations.

E.5.4.3 The following uses shall be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations:

- a) manufacturing, warehousing, repair service, *building or contracting supply establishments*, building and lumber supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation. Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for Business Parks shall be prohibited;
- b) uses which primarily support industry, including labour association halls, conference and convention centres, trade schools, commercial motor vehicle and equipment sales, and commercial rental establishments;
- c) *ancillary* uses which primarily support businesses and employees within Business Parks, including hotels, health and recreational facilities, financial establishments, restaurants, personal services,

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motor vehicle service stations and washing, retail establishments, and commercial parking facilities;

- d) limited agricultural uses including only a medical marihuana growing and harvesting facility, a greenhouse and an aquaponics facility;(OPA 23)
- e) *waste processing facilities and waste transfer facilities;* and,
- f) *accessory uses, such as limited retail and office.*

E.5.4.4 *Ancillary* uses which serve the businesses and employees of the Business Park as described in Policy E.5.4.3 c), shall only be permitted at locations fronting arterial roads or collector roads into the Business Parks.”

With respect to Policy E.5.4.3, the proposed Craftsperson Shop; and the Computer, Electronic and Data Processing Establishment; are either employment uses as identified in a) above, are considered supporting industry as per b) above, or are identified in paragraphs d) to f) above. As such, the proposed uses are compliant with the previously listed UHOP policies.

With respect to Policy E.5.4.3.c), staff are of the opinion that the proposed Outdoor Commercial Patios (accessory to a Restaurant) is a use which primarily supports the businesses and employees and is considered to be an extension of an already permitted use (restaurant) within the Business Park. As such, staff have no concerns with this proposed use at 1439 and 1447 Upper Ottawa Street.

Policies outlined above do not support a Place of Worship on the subject lands. This use was established through Site Specific Zoning in Hamilton By-law No. 05-200 (Special Exception No. 369, June 28, 2011) prior to the establishment of the UHOP. As this use no longer exists on the subject lands, the Site Specific Zoning will not be carried forward, as the Place of Worship use does not comply with the land use designations of the UHOP.

“F.1.12.7 Legally existing land uses which do not comply with the land use designations shown on Schedule E-1 - Urban land Use Designations or their related policies should cease to exist over time. Accordingly, such uses shall be deemed as legal non-complying.”

Some of the other uses requested by the applicant (uses currently permitted in the “M-11” District) are permitted by the Business Park Support (M4) Zone of By-law No. 05-

200 and implement UHOP policy. As such, a scoped list of uses will be permitted as part of the proposed development. All of the uses to be permitted are outlined in Appendix “F” to Report PED17075.

Based on the foregoing, the revised applications comply with the policies of the UHOP.

City of Hamilton Zoning By-law No. 6593

1405 Upper Ottawa Street is currently zoned “M-11” (Prestige Industrial) District in the City of Hamilton Zoning By-law No. 6593, as shown on Appendix “A” to Report PED17075. A variety of Office, Retail, Service Commercial, Personal Service, and Motor Vehicle uses are permitted in the “M-11” District (see Appendix “F” to Report PED17075 for the full list of uses).

City of Hamilton Zoning By-law No. 05-200

1439 and 1447 Upper Ottawa Street are zoned Business Park Support (M4) Zone and Business Park Support (M4, 369) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED17075. The following uses are permitted in the (M4) Zone:

- Building and Lumber Supply Establishment;
- Building or Contracting Supply Establishment;
- Commercial Motor Vehicle Sales, Rental and Service Establishment;
- Communications Establishment;
- Conference or Convention Centre;
- Contracting Establishment;
- Courier Establishment;
- Equipment and Machinery Sales, Rental and Service Establishment;
- Financial Establishment;
- Hotel;
- Industrial Administrative Office;
- Laboratory Labour Association Hall;
- Manufacturing;
- Medical Clinic;
- Motor Vehicle Collision Repair Establishment;
- Motor Vehicle Service Station;
- Office;
- Personal Services;
- Private Power Generation Facility;
- Repair Service;

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- Research and Development Establishment;
- Restaurant;
- Retail;
- Surveying, Engineering, Planning or Design Business;
- Trade School;
- Tradesperson's Shop;
- Transport Terminal;
- Transportation Depot; and,
- Warehouse.

Rymal Neighbourhood Plan

The Rymal Neighbourhood Plan identifies a component of the subject lands (1405 Upper Ottawa Street) as "Restricted Commercial".

Policy F.1.2.8 of the UHOP notes:

"F.1.2.8 Any amendment to the *Neighbourhood Plan* must be evaluated using the provisions of Policies F.1.1.3 and F.1.1.4 and shall require a formal Council decision to enact the amendment."

Also, Policy F.1.1.3 indicates:

"F.1.1.3 Amendments to this Plan, including secondary plans, shall be required to create, modify or expand land use designations and policies which do not comply with this Plan."

And, Policy F.1.1.4 states:

"F.1.1.4 Amendments to this Plan shall be undertaken by the City:

- a) to update this Plan to reflect new provincial or municipal planning policies at the time of Official Plan Five Year review or other appropriate time through a City initiative; or,
- b) to update and streamline administration of municipal planning policies."

The proposal for a variety of commercial uses at 1405 Upper Ottawa Street will implement the Rymal Neighbourhood Plan and the "Restricted Commercial" Designation as well as the "District Commercial" policies of the UHOP, therefore, no change is required.

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The balance of the subject lands, located at 1439 and 1447 Upper Ottawa Street, implement the “Employment Area – Business Park” policies of the UHOP. As these lands are Commercial and Employment based, in support of the Business Park, a Neighbourhood Plan Amendment is required to allow for these uses. As a result, these lands should be redesignated as “Restricted Industrial / Commercial” in the Neighbourhood Plan.

RELEVANT CONSULTATION

The following Departments and Agencies have no comments or objections to the application:

- Geomatics and Corridor Management Section, Public Works Department;
- Forestry and Horticulture Section, Public Works Department;
- Operations Division, Public Works Department;
- Recreation Division, Community & Emergency Services Department;
- Asset Management Division, Public Works Department;
- Capital Works Projects Division, Public Works Department; and,
- Hydro One.

The following Departments and Agencies have provided comments on the application:

Transportation Management Division, Public Works Department requested a memo reflecting the City’s Transportation Demand Management (TDM) requirements for development be submitted. After further discussion, staff have determined that this report is not necessary as a Site Plan Control application is not required. If the subject lands are redeveloped and are required to go through the City’s Site Plan Control process, a TDM report may be required.

Landscape Architectural Services Division, Public Works Department indicated that cash-in-lieu of parking dedication would be requested at the appropriate time. As this is an existing commercial plaza, and the application is for a change in tenure, no parkland dedication is required.

Hamilton Street Railway (HSR) advised that they currently operate Route #22 – Upper Ottawa and Route # 43 – Stone Church buses which both service the site. There are no changes proposed to these routes. HSR has indicated they have a bus stop at 1439 Upper Ottawa Street. HSR Planning would be willing to work with the Owner to upgrade the stop with proper amenities like lighting, walkways, garbage cans, benches, and other street furniture that could be used to improve the stop. Finally, HSR Planning recently received Council approval of a 10 year (2015 – 2024) Local Transit Strategy. In 2015 and 2016 system deficiencies will be addressed. Beyond 2016, actions and

resources will be directed to: align service with updated Service Standards; accommodate on-going growth; and, work on the promotion of ridership through the introduction of additional bus service on the BLAST corridor in order to establish the initial phases of the City's rapid transit system.

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 257 property owners within 120 m of the subject property on August 29, 2016, for the proposed Zoning By-law Amendment application.

To date, one public submission has been received, which seeks further information related to the proposal (see Appendix "E" to Report PED17075).

A Public Notice Sign was posted on the property on August 26, 2016, and updated on April 5, 2017, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on April 14, 2017.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal, as amended by staff, 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 (Places to Grow);
 - ii) It complies with the Urban Hamilton Official Plan (UHOP); and,
 - iii) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things expanding the range of permitted commercial uses while protecting future planned commercial and employment uses in the area.
2. Rymal Neighbourhood Plan

The subject lands are currently designated as "Restricted Commercial" within the Rymal Neighbourhood Plan. The proposal is to modify the permitted uses for the subject lands. The uses proposed for 1405 Upper Ottawa Street will implement the existing policy framework of the Rymal Neighbourhood Plan and will allow for the future development of these lands. As such, a Neighbourhood Plan Amendment is not required for these lands.

Lands located at 1439 and 1447 Upper Ottawa Street will require an amendment to the Neighbourhood Plan from “Restricted Commercial” to “Restricted Industrial / Commercial” as the uses proposed are employment support commercial uses, but not straight commercial uses. This amendment is supported by staff as it will implement the “Employment Area – Business Park” policies of the UHOP.

3. The applicant has requested amendments to Hamilton Zoning By-law No. 6593, for lands located at 1405 Upper Ottawa Street to permit the following uses:

- Financial Establishment;
- Restaurant and accessory Commercial Patio;
- Veterinary Services / Clinics;
- Animal Shelters and Indoor Kennels (accessory to a pet store or Veterinary Service / Clinic);
- Courier Establishment;
- Repair Services; and,
- Personal Services.

As shown in Appendix “F” to Report PED17075, a Financial Establishment, Restaurant and accessory Commercial Patio, Courier Establishment, Repair Service and Personal Services are all permitted uses in the “M-11” District within Zoning By-law No. 6593. As such, the addition of these uses will not be required in the amending by-law which makes up part of this application. Staff have evaluated these uses and find them appropriate for the subject lands, as they implement the District Commercial Policy of the UHOP. As such, staff will ensure that these uses are carried forward, by way of a Site Specific Zone, when the new Commercial Mixed-Use (CMU) Zones are brought into Zoning By-law No. 05-200 later in 2017.

While Veterinary Services / Clinics and Animal Shelters and Indoor Kennels (accessory to a pet store or Veterinary Service / Clinic) are not currently permitted in the “M-11” (Prestige Industrial) District within Hamilton Zoning By-law No. 6593, they are considered to be District Commercial uses under the existing UHOP policy. As such, staff are supportive of the addition of these uses to the subject lands as these uses serve the daily and weekly needs of residents in the surrounding neighbourhoods. These uses will also be introduced as part of the District Commercial Zone which again, will be brought forward as part of the CMU Zone process of By-law No. 05-200, later in 2017.

4. The applicant has requested amendments to the Business Park Support (M4) Zone in Hamilton Zoning By-law No. 05-200, for lands located at 1439 and 1447 Upper Ottawa Street to permit the following additional uses:

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- Place of Worship (at 1439 Upper Ottawa Street only);
- Outdoor Commercial Patio (accessory to a restaurant);
- Craftsperson Shop;
- Computer, Electronics and Data Establishment; and,
- Head Office (for a Religious Supplies Chain Business).

As previously discussed, the policies outlined in the Policy Implications and Legislated Requirements section of this Report do not support a Place of Worship on the subject lands. This use was established through Site Specific Zoning in Hamilton By-law No. 05-200 (Special Exception No. 369, June 28, 2011) prior to the establishment of the UHOP. As this use no longer exists on the subject lands the Site Specific Zoning will not be carried forward, as the Place of Worship use does not comply with the land use designations of the UHOP.

Staff views an Outdoor Commercial Patio as the extension of a Restaurant use, which is already permitted in the (M4) Zone, as an accessory use. As such, staff is supportive of the addition of the Commercial Patio use.

While a Craftsperson Shop is not a permitted use in the (M4) Zone, nor is it a defined term in By-law No. 05-200, staff are of the opinion that it would be classified as Manufacturing, which is permitted in the (M4) Zone. Manufacturing is defined in the By-law as: *the production, fabrication, compounding, processing, packaging, crafting, bottling, packing, recycling or assembling of raw or semi-processed or fully-processed goods or materials, and shall include but not be limited to a Biotechnological Establishment, Computer, Electronic and Data Processing Establishment, Pharmaceutical and Medical Establishment, Printing Establishment and / or a Science and Technology Establishment. Manufacturing may also include a Private Power Generation Facility as an accessory use, but shall not include a Waste Management Facility.* As such, this use will be permitted as part of the Manufacturing use already included in the list of permitted uses within the (M4) Zone.

A Computer, Electronics and Data Establishment is not a permitted use within the (M4) Zone. It is defined in By-law No. 05-200 as: *the use of land, building or structure, or part thereof, for the research, development, input, prototypical manufacturing, processing and printing of data and which may include the design, manufacturing and warehousing of electronic equipment or software.* As there is a manufacturing element related to this use, and as there is a research and development component permitted within the “Employment Area – Business Park Designation”, which applies to these lands, staff are of the opinion that this

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use would implement the relevant UHOP policies and serve the needs of the Business Park.

An Office use, regardless of its occupant is permitted in the (M4) Zone, as such, there is no need to explicitly permit this use within the amending by-law.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could continue to be used in accordance with the “M-11” (Prestige Industrial) District, Business Park Support (M4) Zone, and Business Park Support (M4, 369) Zone which permits a variety of commercial and employment, within the appropriately zoned areas.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Zoning By-law Amendment to By-law No. 6593
- Appendix “C”: Zoning By-law Amendment to By-law No. 05-200
- Appendix “D”: Concept Plan
- Appendix “E”: Public Submissions
- Appendix “F”: Permitted Uses Chart

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