



SQUARECO
PROPERTIES INC.

May 30, 2017

Planning Committee
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Dear Committee Members:

We are the owners/managers of a commercial property located at 1172 Wilson Street West, Ancaster.

Over the last several months we have worked with Planning Staff to try and resolve issues that have left us with a zoning for our property that is less than what we had with the previous zoning classification, that being C-3.

For the most part Planning Staff have been quite helpful in trying to accommodate a zoning that would reflect what we had before.

There remain four Use categories on which we have reached an impasse with Planning Staff, uses that were allowed under our previous C-3 zoning:

1. Dry Cleaning Plant: Green Tie Cleaners is a current tenant in our development using Hydro Carbon (water-based) and not Perchloroethylene, or "Perc" as it is commonly referred to.
2. Day Nursery: Due to the configuration of our site, that being triangular in nature, we have a large area in the rear of the Plaza that would lend itself to a playground. There are no industrial uses abutting our property that would cause an issue. Our property is abutted by a cemetery right-of-way and a Tim Hortons/Wendy's plaza.
3. Catering: Our tenant Golden Pita currently does catering.
4. Beverage Making: Our current tenant ECS Coffee already brews coffee and soda water.

In reviewing the definitions of the different zoning classifications that Planning Staff have developed it is apparent to us that the C-7 classification for our site is not reflective of the nature of the physical characteristics of the property, nor of the locational attributes.

The C-7 Zone is classified as:

"The C-7 Zone permits large-format commercial uses catering to the travelling public and in turn, the built form is reflective through the presence of large buildings. The uses found within the C-7 Zone are typically land intensive which may require outdoor storage and sales areas."

Some of the permitted uses are:

1. Adult Entertainment Parlour;
2. Body-Rub Parlour;
3. Motor Vehicle sales, rental, car washing, gas bar, etc.;

1550 Kingston Road, Suite 300, Pickering, Ontario L1V 1C3 Tel: (905) 839-0000 Fax: (905) 839-5362



Member of International Council of Shopping Centers



4. Building and Lumber supply;
5. Conference or Convention Centre;
6. Equipment and machinery sales, rental and service;
7. Home improvement, supply establishment, etc.

Our site is 1.25 acres, and sits between a Tim Hortons/Wendy's plaza and a cemetery right-of-way.

This site clearly does not fit the description of a C-7 Zone.

Uses such as the encompassing category of "adult entertainment" should not be prominent in an area that is travelled by the general public (including children) next to a Tim Hortons, or part of the same plaza as the Oxford Learning Centre and other family-friendly uses.

We believe that designating our property under the C-4 zoning is more in keeping with the physical dimensions and locational factors of our Plaza. The C-4 is defined as:

"The C-4 Zone permits retail and service commercial uses which cater to the weekly and daily shopping needs of residents in the immediate and surrounding neighbourhoods. Retail shops and services may be clustered in a plaza form along collector and arterial roads where an enhanced street presence is provided by bringing buildings closer to the street."

Our Plaza is approximately 11,500 square feet and sits very close to the street. Our tenants reflect the weekly and daily shopping needs of the residents. The Plaza is located directly across the street from the Longo's/McDonald's plaza.

We would respectfully ask the Planning Committee to re-designate our property to a C-4 Zone; a zoning that more accurately reflects the nature of the site and location; or alternatively, allow the four additional uses that we have been allowed for many years under the previous C-3 zoning.


For your convenience we enclose our site plan showing the physical and locational nature of our site as well as the uses and definitions for the C-4 and C-7 Zones. We also enclose Exception #597 showing the additional uses currently provided in the C-7 Zone for our site.

Also enclosed is the original C-3 zoning which we have had for many years.

We would appreciate appearing before your Committee on June 6, 2017 to expand or answer any questions that you may have.

Yours very truly

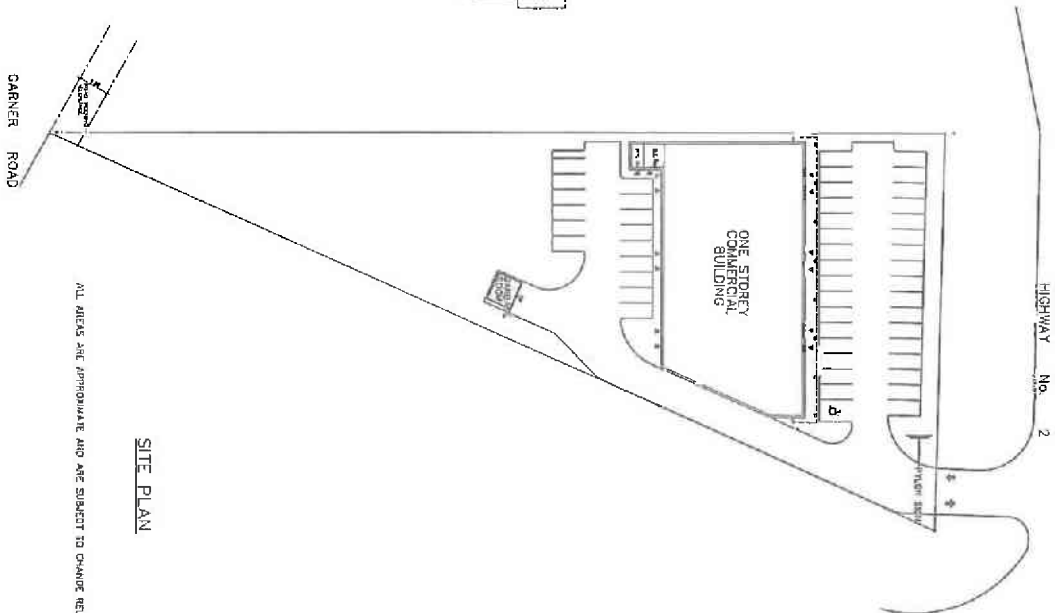
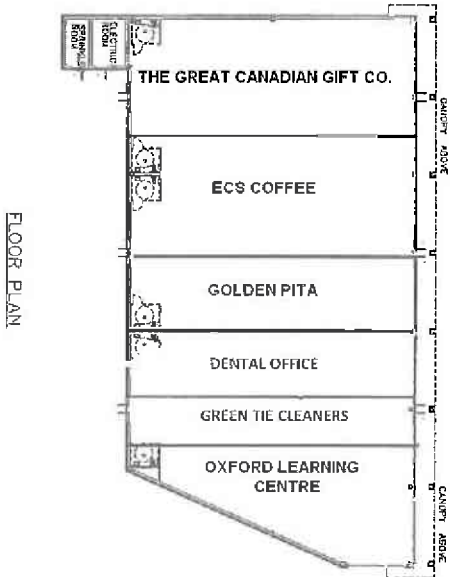
GAZBEN DEVELOPMENTS LIMITED



Ben Smuskowitz
President

BS/pw
encls.

UNIT NUMBER	AREA(SQ/M)	AREA(SQ/FT)
UNIT #1	167.10	1,798.84
UNIT #2	158.60	1,707.16
UNIT #3	158.60	1,707.16
UNIT #4	158.60	1,707.16
UNIT #5	158.60	1,707.16
UNIT #6	251.50	2,707.12
LEASEABLE AREA	1,053.00	11,334.40
COMMON AREA	25.48	274.26
GROSS FLOOR AREA	1,078.48	11,608.66



ALL AREAS ARE APPROXIMATE AND ARE SUBJECT TO CHANGE RELATIVE TO FINAL DIMS

PROJ. DATA

Project: COMMERCIAL DEVELOPMENT
 CLIENT: BENTON DEVELOPMENT LTD.
 DATE: 2014-07-10

REVISIONS

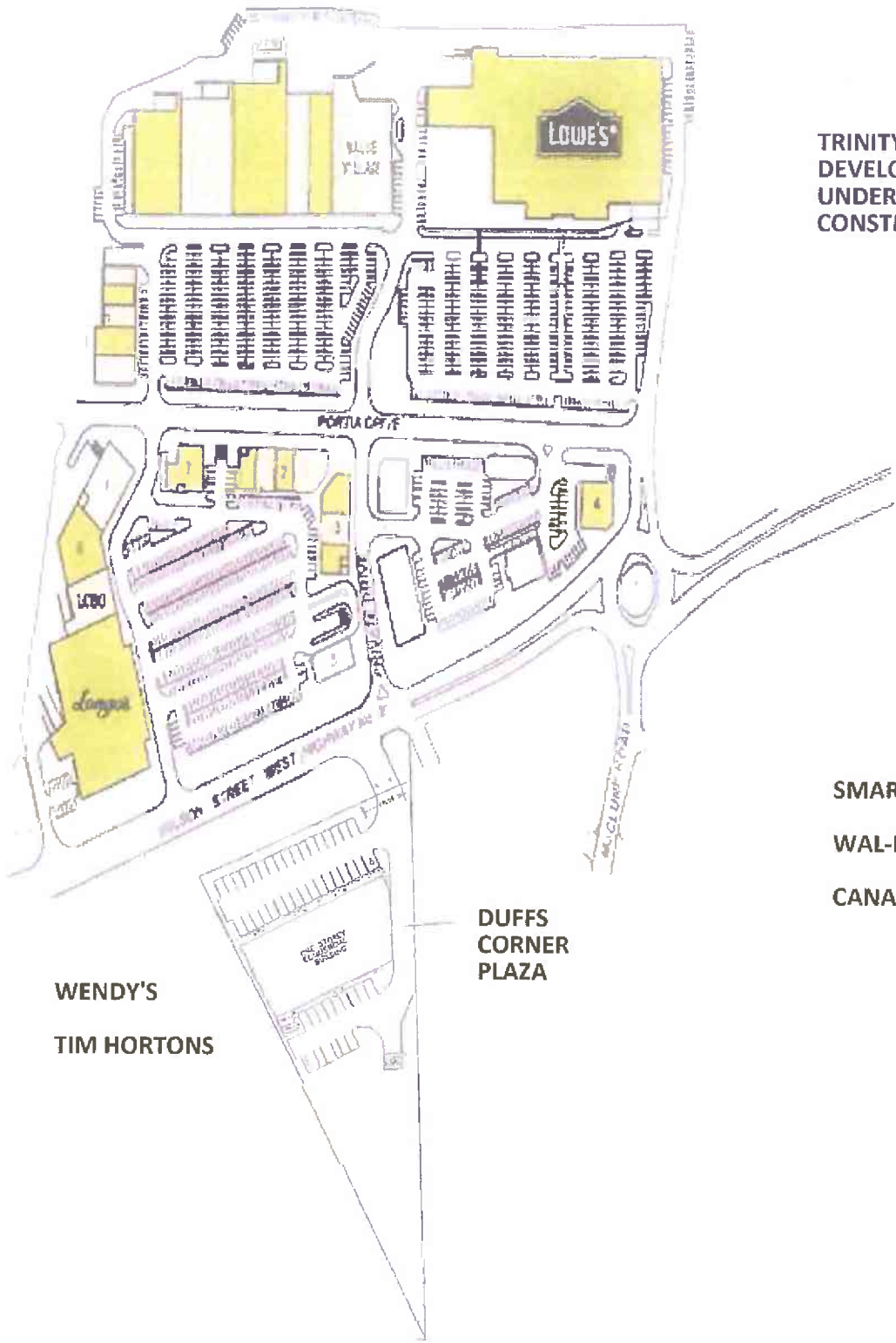
NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITTING	2014-07-10

DESIGNER
 Name: [Signature]
 Title: [Title]

DATE
 2014-07-10

SCALE
 1:100

NO.
 A-2



TRINITY
DEVELOPMENT
UNDER
CONSTRUCTION

SMART CENTRES
WAL-MART
CANADIAN TIRE

WENDY'S
TIM HORTONS

DUFFS
CORNER
PLAZA



A-3



A-4

B-1

SECTION 10: COMMERCIAL ZONES

10.4 DISTRICT COMMERCIAL (C4) ZONE

Explanatory Note: The C4 Zone permits retail and service commercial uses which cater to the weekly and daily shopping needs of residents in the immediate and surrounding neighbourhoods. Retail shops and services may be clustered in a plaza form along collector and arterial roads where an enhanced street presence is provided by bringing buildings closer to the street.

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a District Commercial (C4) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

10.4.1 PERMITTED USES

- Beverage Making Establishment
- Catering Service
- Commercial Entertainment
- Commercial Parking Facility
- Commercial Recreation
- Commercial School
- Communications Establishment
- Community Garden
- Conference or Convention Centre
- Craftsperson Shop
- Day Nursery
- Dwelling Unit (s)
- Financial Establishment
- Funeral Home
- Hotel
- Laboratory
- Medical Clinic
- Motor Vehicle Gas Bar
- Motor Vehicle Rental Establishment
- Motor Vehicle Service Station
- Motor Vehicle Washing Establishment
- Multiple Dwelling
- Office
- Personal Service
- Place of Assembly
- Repair Service
- Restaurant
- Retail
- Social Services Establishment
- Studio

B-2

SECTION 10: COMMERCIAL ZONES

10.7 ARTERIAL COMMERCIAL (C7) ZONE

***Explanatory Note:** The C7 Zone permits large-format commercial uses catering to the travelling public and in turn, the built form is reflective through the presence of large buildings. The uses found within the C7 Zone are typically land intensive which may require outdoor storage and sales areas.*

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within an Arterial Commercial (C7) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

10.7.1 PERMITTED USES

- Adult Entertainment Parlour
- Body Rub Parlour
- Building or Contracting Supply Establishment
- Building and Lumber Supply Establishment
- Commercial Entertainment (excluding theatres)
- Commercial Motor Vehicle Sales, Rental and Service Establishment
- Commercial Parking Facility
- Commercial Recreation
- Community Garden
- Conference or Convention Centre
- Equipment and Machinery Sales, Rental and Service Establishment
- Farm Product Supply Dealer
- Funeral Home
- Garden Centre
- Home Furnishing Retail Establishment
- Home Improvement Supply Establishment
- Hotel
- Major Recreational Equipment Sales, Rental and Service Establishment
- Motor Vehicle Dealership
- Motor Vehicle Gas Bar
- Motor Vehicle Parts and Accessory Sales Establishment
- Motor Vehicle Rental Establishment
- Motor Vehicle Service Station
- Motor Vehicle Washing Establishment
- Repair Service
- Restaurant

DRAFT DISTRICT COMMERCIAL (C4) AND ARTERIAL COMMERCIAL (C7) ZONES

PERMITTED USES

The following chart highlights the various uses permitted within the C4 and C7 Zones:

Uses	C4 – District Commercial	C7 – Arterial Commercial
Commercial Uses		
Adult Entertainment Parlour	-	√
Beverage Making Establishment	√	-
Body Rub Parlour	-	√
Building or Contracting Supply Establishment	-	√
Building and Lumber Supply Establishment	-	√
Catering Service	√	-
Commercial Entertainment	√	√ (excluding theatres)
Commercial Motor Vehicle Sales, Rental and Service Establishment	-	√
Commercial Parking Facility	√	√
Commercial Recreation	√	√
Commercial School	√	- ✓
Communications Establishment	√	-
Community Garden	√	√
Conference or Convention Centre	√	√
Craftperson Shop	√	-
Day Nursery	√	-
Equipment and Machinery Sales, Rental and Service Establishment	-	√
Farm Product Supply Dealer	-	√
Financial Establishment	√	- ✓
Funeral Home	√	√
Garden Centre	-	√
Home Furnishing Retail Establishment	-	√
Home Improvement Supply Establishment	-	√
Hotel	√	√
Laboratory	√	-
Major Recreational Equipment Sales, Rental and Service Establishment	-	√
Medical Clinic	√	- ✓

<u>Commercial Uses Continued</u>	C4 – District Commercial	C7 – Arterial Commercial
Motor Vehicle Dealership	-	√
Motor Vehicle Gas Bar	√	√
Motor Vehicle Parts and Accessory Sales Establishment	-	√
Motor Vehicle Rental Establishment	√	√
Motor Vehicle Service Station	√	√
Motor Vehicle Washing Establishment	√	√
Office	√	- ✓
Personal Services	√	- ✓
Place of Assembly	√	-
Repair Service	√	√
Restaurant	√	√
Retail	√	- ✓
Social Services Establishment	√	-
Studio	√	-
Surveying, Engineering, Planning or Design Business	-	√
Tradesperson's Shop	-	-
Transportation Depot	√	√
Urban Farm	√	√
Urban Farmer's Market	√	-
Veterinary Service	√	√
<u>Residential Uses</u>		
Duplex Dwelling	-	-
Dwelling Unit(s)	√	-
Multiple Dwelling	√	-
Single Detached Dwelling	-	-



C-1

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

(Page 203 of 232)

shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts an Institutional Zone. A transformer shall be permitted within the planting strips.

- f) In addition to Subsection 5.1a) v) c), a transformer is permitted within the 3.0 metre planting strip that abuts the street line.
- g) Notwithstanding Subsections 5.2 f), each barrier-free parking space shall have a minimum width of 4.4 metres and a minimum length of 5.5 metres, except where two (2) barrier-free parking spaces are located together, a minimum width of 3.5 metres for each space shall be permitted.
- h) In addition to Subsection 5.1 a) v), where a parking area which is required to provide for more than four (4) vehicles abuts any Residential Zone, a landscaped area consisting of a permanently maintained planting strip with a minimum width of 1.5 m shall be provided and shall also include fencing to provide a solid and effective screen. Where a parking area which is required to provide for more than four (4) vehicles abuts any Institutional Zone, a landscaped area with a minimum width of 1.25 m shall be provided.
- i) Notwithstanding Subsection 5.6 c), parking spaces shall be provided at a rate of 1.25 spaces per residential dwelling unit, and 1 space per every 34.0 square metres of gross floor area for all other permitted uses, and visitor parking for the residential uses is permitted to be shared with parking for other permitted uses.

597. Within the lands zoned Arterial Commercial (C7) Zone, identified on Maps 1434 and 1483 of Schedule "A" - Zoning Maps and described as 1172 Wilson Street West, the following special provision shall apply:

- a) In addition to Subsection 10.7.1, the following uses shall also be permitted within the existing building:
 - i) Retail;
 - ii) Personal Service;
 - iii) Restaurant;
 - iv) Commercial School;
 - v) Medical Clinic;

To Amend By-law 05-200 to Create New Commercial and Mixed Use Zones for the City of Hamilton

- vi) Office; and,
- vii) Financial Establishment.

598. Within the lands zoned Community Commercial (C3) Zone, identified on Maps 1548 and 1593 of Schedule "A" – Zoning Maps and described as 21 and 31 Trinity Church Road and 1816 Rymal Road East, the following special provisions shall apply:

- a) Notwithstanding Subsection 10.3.1 and in addition to Subsection 10.3.1 10.3.2, the following use shall also be prohibited:
 - i) Motor Vehicle Service Station.
- b) In addition to Subsection 10.3.1 and notwithstanding Subsection 10.3.2, the following use shall also be permitted:
 - i) Drive-Through Restaurant accessory to a Motor Vehicle Gas Bar
- c) Notwithstanding the definition of Motor Vehicle Gas Bar, Medical Clinic, and Office in Section 3: Definitions, for the purpose of Special Exception No. 598, the following definitions shall apply:

Motor Vehicle Gas Bar	A place with one or more pump islands consisting of one or more fuel pumps for the sale of fuel, liquids and small accessories essential for the operation of motor vehicles, and may include a shelter and a Motor Vehicle Washing Establishment accessory to a Motor Vehicle Gas Bar, but does not include motor vehicle repairs, oil changes or greasing.
Medical Clinic	A building or part thereof used by qualified medical practitioner(s), dentist(s), chiropractor(s), physiotherapist(s), osteopath(s) or other drugless practitioner(s), for public or private medical, surgical physiotherapeutic or other human health purposes, except when included within or accessory to a private or public hospital.
Office	Any office where professionally qualified persons, technical assistants and clerical staff are employed and where clients receive advise, but does not include a medical clinic

SECTION 19: NEIGHBORHOOD COMMERCIAL 'C1' ZONE,
 SHOPPING CENTRE COMMERCIAL 'C2' ZONE,
 GENERAL COMMERCIAL 'C3' ZONE,
 URBAN COMMERCIAL 'C4' ZONE,
 RURAL COMMERCIAL 'C5' ZONE AND
 VILLAGE AREA 'VA' ZONE (Certain Uses Only)

No person shall within any Neighborhood Commercial 'C1' Zone, Shopping Centre Commercial 'C2' Zone, General Commercial 'C3' Zone, Urban Commercial 'C4' Zone or Rural Commercial 'C5' Zone, use any land, or erect, alter or use any building or structure except for such purposes and in accordance with the following provisions:

19.1 PERMITTED USES

Refer to Table 1, for Uses Permitted in Certain Commercial Zones and the Village Area 'VA' Zone.

Refer to Section 21 for other permitted uses pertaining to the Village Area 'VA' Zone.

TABLE 1: USES PERMITTED IN CERTAIN COMMERCIAL ZONES

	C1	C2	C3	C4	C5	VA
1. Agricultural-related research establishments					*	
2. Animal hospitals					*	
3. Animal hospitals without outside runs				*	*	
4. Auctioneer establishments		*	*	*	*	*
5. Automatic laundry shops, automatic dry-cleaning shops		*	*	*		*
6. Banks and financial institutions		*	*		*	*
7. Barber shops, hairdressing shops and beauty shops	*	*	*			*

	C1	C2	C3	C4	C5	VA
8. Brewers Retail stores		*	*		*	*
9. Building supply sales					*	
10. Building supply sales in wholly enclosed buildings.			*	*	*	
11. Business and professional offices		*	*		*	*
12. Caterers		*	*	*		*
13. Cleaning or pressing shops		*	*	*	*	*
14. Clubs, private or commercial		*	*	*	*	*
15. Cold storage locker establishments		*	*	*	*	
16. Convenience retail stores	*	*		*	*	
17. Craft and custom workshops		*	*	*	*	*
18. Day nurseries		*	*		*	*
19. Department stores and other general merchandise		*	*			*
20. Dressmaker or tailor shops	*	*	*			*
21. Drugstores	*	*	*			*
22. Dry-cleaning depots	*	*	*		*	*
23. Establishments for the retail sale of farm supplies, grain, feed and fertilizer				*	*	

	C1	C2	C3	C4	C5	VA
24. Establishments providing educational or instructional services.		*	*		*	*
25. Farm implement sales and/or service establishments					*	
26. Farmer's market		*				*
27. Fast Food Restaurants		*	*			
28. Fruit or vegetable stands				*	*	
29. Fuel and lubricant wholesale establishments					*	
30. Gymnasiums or health clubs excluding body rub parlours			*	*	*	
31. Hotels		*				
32. Insurance offices	*	*			*	*
33. Libraries, museums and art galleries	*	*			*	*
34. Liquor Control Board of Ontario Stores	*	*			*	*
35. Livestock breeding services establishments					*	
36. Livestock trucking uses					*	
37. Lounge	*	*	*			*
38. Mail order offices		*	*		*	*
39. Medical and dental laboratories		*	*			*
40. Medical clinics		*	*			*

D-4

	C1	C2	C3	C4	C5	VA
41. Motels, and may include one dwelling unit				*		
42. Motor vehicle service stations, existing				*	*	*
43. New and/or used motor vehicle sales establishments				*		
44. Nurseries, garden centres and landscaping establishments				*	*	
45. Parking areas or structures			*			
46. Personal service shops		*	*	*	*	*
47. Places of entertainment or recreation within wholly enclosed buildings		*	*	*	*	
48. Post offices		*	*			*
49. Printing and publishing establishments		*	*			*
50. Real Estate Offices	*	*	*		*	*
51. Recreational areas or uses, miniature golf courses and golf driving ranges				*		
52. Recreational vehicle sales, service and rental		*	*	*	*	

D-5

	C1	C2	C3	C4	C5	VA
53. Rental establishments but not including establishments for the rental or repair of motor vehicles and trailers		*	*			
54. Rental establishments or service shops				*		
55. Restaurants and fast food restaurants, existing	*					
56. Restaurants, but not including fast food restaurants		*	*	*	*	*
57. Retail stores		*	*		*	*
58. Service Shops		*	*	*	*	*
59. Sub-Post offices		*	*	*	*	*
60. Taxi-cab business		*	*			*
61. Telephone exchange building						*
62. Travel agencies	*	*	*			*
63. Undertaking establishments			*		*	*
64. Used motor vehicle sales establishments, existing						*
65. Uses, buildings and structures accessory to permitted uses including residential uses				*	*	*