

June 1, 2017

File No: 15057

Mrs. Ida Bedioui,
Planning Coordinator
City of Hamilton – City Clerk’s Office
71 Main Street West, 1st Floor
Hamilton, ON L8P 4Y5

Dear Mrs. Bedioui:

**RE: PUBLIC MEETING – COMMERCIAL AND MIXED USE AREAS
PROPOSED C7 ARTERIAL COMMERCIAL ZONE AND IMPLEMENTING
URBAN HAMILTON OFFICIAL PLAN AMENDMENT (UHOPA) (PED16100(b))**

GSP Group Inc. represents Marz Homes, owner of the property at 237 Upper Centennial Parkway (the “Site”). We are submitting this letter in response to the proposed C7 Arterial Commercial Zone and implementing amendment to the Arterial Commercial policies of UHOP to be considered by Planning Committee on June 6th 2017. At this time we are seeking additional permitted uses within the proposed C7 – Arterial Commercial Zone and greater flexibility in the Arterial Commercial policies of the UHOP. While we have previously met with municipal staff regarding this matter, the final draft zoning by-law amendment and official plan amendment have not addressed our concerns.

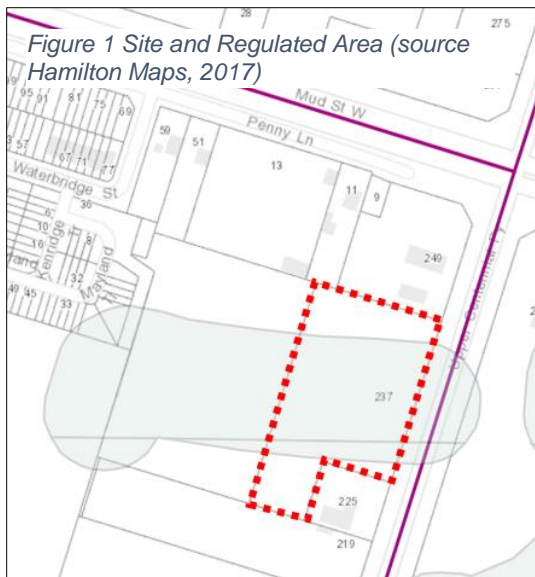


Figure 1 Site and Regulated Area (source Hamilton Maps, 2017)

A significant amount of technical work has been undertaken on our Site over the course of the last few years. The Site is considerably constrained by the Hamilton Conservation Authority’s regulated area, which essentially splits the Site into two parcels with frontage on Upper Centennial Parkway. Figure 1 illustrates the HCA’s regulated area on the Site.

The Site is designated Arterial Commercial in the Urban Hamilton Official Plan (UHOP). Pursuant to Policy E.4.8 “*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*”.

While we are generally supportive of the proposed C7 Arterial Commercial zone that has been applied to our Site and others, and is intended to implement the Arterial Commercial Designation of the UHOP, the proposed C7 Zone does not provide for a reasonable range of commercial uses that would be appropriate for smaller sites that *cannot* accommodate land extensive uses or uses requiring outdoor storage or sales.

Accordingly, we respectfully request that consideration be given to adding the following as permitted uses within the proposed C7 Zone: medical clinic, laboratory, office, and retail. These uses are appropriate given the Site's location, access, and developable area and are no different in terms of their building form and traffic generation than a restaurant, funeral home or surveying/ engineering/planning or design businesses which are currently permitted uses in the proposed C7 Zone and are deemed to conform to the Arterial Commercial UHOP policies.

We recognize the distinction between the C7 Arterial Commercial Zone and the proposed C4 District Commercial Zone as the focus of retail uses within the City. However, given the constraints of many smaller existing properties within the Arterial Commercial Designation including our Site, the uses proposed in the C7 Zone will be difficult to implement because they are largely land-extensive uses. In this regard, the C7 Zone should consider a broader range of uses on existing properties that are insufficient in area to accommodate these types of uses.

With respect to the proposed UHOPA we note that amendments are proposed to Arterial Commercial Policies E.4.8.2 a) and E.4.8.2c) to permit funeral homes as an additional permitted use and to clarify a use that is not permitted (i.e., a performing arts theatre). In this regard, we respectfully request that consideration be given to adding the following sentence at the end of Policy E.4.8.2 which deals with permitted uses, to provide greater flexibility, from an Official Plan perspective, for consideration of unique site specific circumstances without the requirement for an Official Plan Amendment:

“In cases where land extensive uses cannot be established due to constraints such as topography or environment restrictions, consideration may be given to other small scale commercial uses without an amendment to this Plan.”

The requested modifications to the proposed UHOPA will continue to meet the general intent of the Arterial Commercial policies of the UHOP while providing for more practical implementation to address existing property constraints on the ground. This, in turn, could eliminate unnecessary Official Plan amendments in the future.

We would appreciate consideration of our requested modifications to the proposed ZBA and UHOPA related to arterial commercial uses. Please do not hesitate to contact me should you have any questions or concerns.

Best regards,

GSP Group

A handwritten signature in black ink, appearing to read 'BKA', with a long horizontal flourish extending to the right.

Brenda Khes, MCIP, RPP
Associate – Senior Planner

cc. Dan Gabriele, Marz Homes

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