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Fern Betel - 624 Upper James Street and 5-17 Genesee Street, Hamilton	Request to permit a lodging house, retirement home, residential care facility with up to 15 metres in height on subject lands.	<ul style="list-style-type: none"> • Uses requested not permitted under the UHOP. However, multiple dwelling is permitted under the proposed C5a Zone. Maximum height of 22 metres will meet request.
Peter Martin - 138-146 Hester Street, Hamilton	Lots of existing industrial and retail uses along Hester Street. Ask to add a Special Exception to properties on Hester Street to recognize existing commercial and industrial uses.	<ul style="list-style-type: none"> • Special Exception (SE 300) permits existing industrial uses. Existing industrial uses is permitted to continue.
Bousfields Inc. - 1575 Upper Ottawa Street, Hamilton	Request a Special Exception be applied to his client’s lands for a different commercial to better reflect the nature of the commercial plaza.	<ul style="list-style-type: none"> • Official Plan Amendment application (UHOPA-16-009) approved by Council on October 12, 2016 to add a Special Policy Area to subject lands to allow for additional commercial uses. Special Exception applied to implement the Special Policy Area policies.
John Heyno – 69 King Street East, Dundas	Lands located next door (69 King Street East) has been for sale and the description as advertised is not accurate. There are parking spots in the front yard and may not be legally allowed as the parking spaces may partially be located on the municipal road allowance. There is also an illegal garbage bin in the front yard. The existing zoning under the Dundas Zoning By-law is CAC-FP/S-17 which only permits the existing kitchen and bath store.	<ul style="list-style-type: none"> • Lands located at 69 King Street East is proposed to be zoned C2 which permits a range of local commercial uses. Parking requirements is required for additions and expansions.
Cancer Assistance Program (CAP) - 569 Concession Street, 37-39 Cliff Avenue, Hamilton	Three properties currently owned by CAP are zoned “D” District under the existing Zoning By-law 6593. Would like to see the lands incorporated into the Commercial and Mixed Use Zones to facilitate the redevelopment of these properties to assist in the organization’s mandate.	<ul style="list-style-type: none"> • Subject lands designated Neighbourhoods in the UHOP, and currently zoned “D” District in Hamilton Zoning By-law 05-200. A Zoning By-law Amendment will be required to facilitate the proposed development.
Ben Smuskowitz – 1172 Wilson Street West, Ancaster	Would like clarification on why certain commercial uses are not identified in the proposed parent zone and the Special Exception.	<ul style="list-style-type: none"> • Special Exception 597 to recognize existing commercial uses within the existing building such as office, personal service, medical clinic, financial establishment, and restaurant. • Subsequent request to add a Day Nursery and Dry Cleaning Plant not

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		<p>granted due to incompatibility of uses, which is not granted as it does not meet the general intent of the proposed Arterial Commercial (C7) Zone.</p>
<p>Carla Lazzero – 22 Thorpe Street, Dundas</p>	<p>Why are the properties along Thorpe Street proposed for Mixed Use Medium (C5) Zone? There are existing homes on the street and introducing commercial uses will have impacts on abutting neighbours.</p>	<ul style="list-style-type: none"> • Attended one of the public open houses in Dundas on October 19, 2016. Additional discussions were held between staff and Ms. Lazzero. • Lands to remain as zoned the proposed Mixed Use Medium (C5) Zone in order to implement the Urban Hamilton Official Plan, where the subject lands are designated Mixed Use Medium Density under Schedule “E-1” – Urban Land Use Designations.
<p>Peter Tice c/o Nicole Harper, John Gubbins - 3042 Binbrook Road, Glanbrook</p>	<p>Concern respecting the proposed Mixed Use Medium – Pedestrian Predominant (C5a) Zone as proposed commercial uses will impact their residence located at 3042 Binbrook Road. They share a driveway with an abutting owner and this will only increase the amount of traffic going into and out of the abutting owner’s business.</p> <p>A second concern is with driveway is shown on the display panels in the public open house as owned by the abutting property (3038 Binbrook Road). This is incorrect as the driveway is owned by 3042 Binbrook Road.</p>	<ul style="list-style-type: none"> • Lands along Binbrook Road are designated Mixed Use Medium Designation and also identified as a Pedestrian Predominant Street in the UHOP and the Binbrook Secondary Plan. The proposed CMU Zones implement policies that are currently in place. • Land parcel data are obtained through MPAC. Landowner has been advised to contact MPAC to correct the mapping error.
<p>GSP Group – 237 Upper Centennial Parkway, Stoney Creek</p>	<p>Request additional commercial uses be added to the subject lands such as retail, medical clinic, laboratory, and office due to HCA restrictions on the subject lands</p>	<ul style="list-style-type: none"> • Subject land is designated Arterial Commercial under the UHOP and West Mountain/Heritage Green Secondary Plan. Proposed CMU Zones implement policies that are currently in place. A Zoning By-law Amendment application and Official Plan Amendment area required to add additional uses.

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<p>Jim Mills – 10 and 16 Foundry Street. Dundas</p>	<p>Existing plumbing company located on 10 Foundry Street and an existing mechanic shop on 16 Foundry Street. Will they be able to remain? Will maximum height reflect the existing zoning in place?</p> <p>Second concern is in the proposed Zoning Maps, the properties are incorrectly labelled as the municipal numbers are backwards. For example, 10 Foundry Street should be 16 Foundry Street, and vice versa.</p>	<ul style="list-style-type: none"> • Existing establishments will be permitted to continue to operate through proposed Special Exceptions (SE 304, SE 306). Maximum height of 22 metres is consistent with the requirements in the proposed Zone. • Land parcel data are obtained through MPAC. Landowner has been advised to contact MPAC to have the mapping error corrected.
<p>Indwell – 205 Melvin Avenue, Hamilton</p>	<p>Overall supports the proposed Mixed Use Medium (C5) Zone on the subject lands. However, had some concerns about the following:</p> <ol style="list-style-type: none"> 1. Minimum Interior Side Yard: Why so much? Smaller requirement would allow for urban-type development. 2. Building Height: Why limit to 22 metres or six-storeys? 3. Number of Driveways: Why limit to just one driveway per property? 4. Restriction of Uses within Building: Why require residential units on the ground floor to be more than 0.9 metres above grade? 5. Dwelling Unit in Basement or Cellar: Why have a minimum of one unit? 	<p>The responses to the concerns are below:</p> <ol style="list-style-type: none"> 1. Side yard used for landscaping, buffering, driveway access, and separation of windows and balconies between buildings. 2. Maximum building height is established through UHOP policies. 3. Limiting driveways per lot prevents multiple breaks in the sidewalk, compromising safety for pedestrians and sightlines for vehicles. 4. Minimum height for dwelling units increases privacy and security for residents living in the dwelling units. 5. Regulation ensures dwelling units are permitted in the basement.
<p>Zelinka Priamo c/o Canadian Tire – Various addresses</p>	<p>Two letters received dated November 18, 2016 and November 30, 2016. Comments from the two letters include:</p> <ol style="list-style-type: none"> 1. Concern regarding the increase in the number of stacking spaces in a Drive-through Facility to 15 spaces. 2. Seek clarification why the surplus lands located southeast of 50 Cootes Drive, Dundas are not included in the proposed CMU Zone 	<p>The responses to the concerns are below:</p> <ol style="list-style-type: none"> 1. Increase in the number of stacking spaces has been removed, and no changes are made from what already exists in Zoning By-law 05-200. 2. The surplus lands located southeast of 50 Cootes Drive are designated Open Space in the Urban Hamilton Official Plan, and does not permit

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	<p>3. Seek clarification on Special Exception 581. It is understood the Special Exception may be related to the lands being within the Hamilton Conservation Area Regulated Area and within Specific Policy Area UD-3.</p> <p>4. Seek clarification on whether the Vacuum Clause would include all existing structures on client's lands. More specifically: loading facilities, size and location of garden centres and outdoor storage, location and quantity of driveways, building height, front facade, and maximum setbacks.</p> <p>5. Proposed CMU Zones contain built form regulations for "New Development". These regulations should only apply to new buildings.</p> <p>6. Certain proposed CMU Zones contain built form regulations for "New Development". These regulations should only apply to new buildings.</p> <p>Also, for new infill buildings for existing developed sites, accommodating proposed zone regulations applicable to the "New Buildings" including minimum building setbacks, minimum building height, and Built Form for New Development may be difficult to accommodate unless flexibility and interim or temporary regulations are provided.</p>	<p>commercial uses.</p> <p>3. Special Exception 581 is to address the flooding concerns within the Lower Spencer Creek floodplain. Special Policy Area UD-3 provides basis for the proposed regulations within the Special Exception.</p> <p>4. The proposed Vacuum Clause for the proposed CMU Zones recognizes required setbacks, front yard, flankage yard, rear yard, lot width, lot area, and building height for existing buildings and lots. The proposed wording for the Vacuum Clause is identical to the clauses currently existing in Zoning By-law 05-200.</p> <p>A proposed Vacuum Clause will permit small additions and expansions to existing buildings, up to 10% of the Gross Floor Area.</p> <p>5. The construction of new buildings as well as additions to existing buildings present opportunities to implement the policies of the UHOP such as requiring buildings to be built close to the street and where all principal buildings face the street and be accessible to a public sidewalk.</p> <p>6. The construction of new buildings as well as additions to existing buildings present opportunities to implement the policies of the UHOP such as requiring buildings to be built close to the street and where all principal buildings face the street and be accessible to a public sidewalk.</p> <p>A proposed Vacuum Clause will permit small additions and expansions to existing buildings, up to 10% of the Gross Floor Area.</p>

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	<p>7. The parking requirements under Section 5.6 are excessive for retail, and exceed the existing parking requirements under the existing Zoning By-laws.</p> <p>8. Proposed maximum building setback of 4.5 metres for Motor Vehicle Gas Bar and Motor Vehicle Service Stations, and a minimum yard for fuel pump islands, fuel pumps, and canopies may be difficult to accommodate. May not work from an operational and site planning standpoint.</p> <p>9. Seek confirmation that the existing garden centre compound for the Canadian Tire located at 1060 Wilson Street West, Ancaster, is permitted as an accessory use to the permitted retail use.</p>	<p>7. Parking requirements are exempt for retail uses under 450 square metres in gross floor area. This is to ensure small businesses do not need to provide parking on-site. Retail uses exceeding 450 square metres requires parking at 1 space per 17 square metres between 450 and 4,000 square metres, and 1 space per 50 square metres for retail uses over 4,000 square metres.</p> <p>8. Noted. Minimum building setback of 4.5 metres as opposed to maximum building setback as originally proposed, ensures there is flexibility of locating the building relative to the fuel pumps and canopy. Minimum setbacks also ensure the planting strips and landscaping abutting the street is provided.</p> <p>9. The existing garden centre that is accessory to the principal retail use is permitted.</p>
<p>Zelinka Priamo c/o Loblaws – Various addresses</p>	<p>A letter was received dated November 18, 2016. Comments from the letter include the following:</p> <p>1. Seeking clarification of the proposed OPAs to understand the nature of the changes that are proposed for the lands. Also clarify if there is any contemplation to change the land use category.</p> <p>2. Where the current zone provisions obtained through site-specific zoning or minor variances are more permissive than what is being proposed, the current permissions should be carried forward.</p>	<p>The responses to the concerns are below:</p> <p>1. The OPA associated with the proposed CMU Zones does not affect the lands owned by the client.</p> <p>2. Proposed CMU Zones implements the policies of the UHOP. The proposed vacuum clause applies for some regulations such as setbacks and building height. Generally, Council adopted Zoning Amendment</p>

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	<p>3. A Garden Centre should be permitted as an accessory use within the C3 and C6 Zones to recognize the existing permissions for such a use that is accessory to a food store.</p> <p>4. For existing developed sites, accommodating proposed zone regulations applicable to the "New Buildings" including minimum building setbacks, minimum building height, and Built Form for New Development may be difficult to accommodate unless flexibility and interim or temporary regulations are provided to allow for minor additions and expansions.</p> <p>5. Interim or temporary regulations should be provided to allow for minor additions and expansions to existing commercial developments.</p> <p>6. Ground Floor Façade Treatments cannot be achieved due to the excessive length of the front or flankage yard.</p> <p>7. Existing developed sites have more than one entrance, particularly larger commercial sites that require multiple access points. Reconsider the zone regulation that limits each property to one driveway access.</p> <p>8. Flexibility should be provided for uses that require the majority of the customer parking to be in close proximity to, and in front of, the main entrance. Proposed zone regulation in the C2, C3, C4, C5, C5a, and C6</p>	<p>applications are carried forward as a Special Exception in the By-law.</p> <p>3. It is acknowledged that garden centres make up a portion of a food store, and a garden centres are accessory to a food store.</p> <p>4. The proposed proposed CMU Zones implement the UHOP policies with respect to requiring buildings to be built close to the street and where all principal buildings face the street and be accessible to a public sidewalk. Development unable to meet the zone regulations can be modified through a Minor Variance application or revise the development proposal to meet the zone regulations.</p> <p>5. Noted. Added a proposed regulation for allowing up to 10% increase in GFA for existing buildings at the time of the passing of the by-law. This regulation in the vacuum clause is meant to allow for small additions and alterations to existing buildings.</p> <p>6. A greater minimum ground floor façade treatment encourages a greater street edge presence along the lot line facing the street.</p> <p>7. It is understood the regulation is too onerous. Careful consideration of the regulation has resulted in the removal from the proposed CMU Zones.</p> <p>8. The intent of prohibiting parking between the building façade and the street line is to enhance the streetscape by bringing the building close to the street, and to locate the parking lot to the rear of the property.</p>

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	<p>Zones prohibits parking, driveways, stacking lands, or aisles between the building façade and the street.</p> <p>9. Flexibility should be considered for large sites with expansive parking area to permit certain principal entrances to face internally to the site to ensure efficient pedestrian circulation on and off the site.</p>	<p>This proposed zone regulation implements design policies in the Urban Hamilton Official Plan.</p> <p>9. Requiring the main entrance to face the street and be accessible from the building façade with direct access to the sidewalk ensures the entrance can be accessible not only by customers driving to the establishment, but also pedestrians and cyclists who come from the sidewalk.</p>
<p>Joe Lakatos - 331, 337- 339, York 96, 100, and 120 Ray Street North</p>	<p>Inquire about an OMB decision released in April 2016 on the subject lands for a comprehensive commercial and residential development. Subject lands have multiple designations in Special Policy Area "K". Would like clarification that the Mixed Use Medium Density designation, and proposed Mixed Use Medium (C5) Zone, which includes the rear of 96 Ray Street.</p>	<ul style="list-style-type: none"> • OMB decision provides clear description of the lands belonging to which designation. The entire parcel of 96 Ray Street is designated Residential Density Residential 3 and therefore not part of the proposed CMU Zone. • Proposed Special Exception (SE 332) proposed for the commercial portion of the development to recognize the increase in height as per the Strathcona Secondary Plan policies – Special Policy Area “K”. Further modifications to the Zone will be initiated by the applicant.
<p>MHBC c/o Home Depot – 1775 Stone Church Road, Stoney Creek, and 122 Martindale Crescent, Ancaster</p>	<p>Overall supports the proposed Mixed Use Medium (C5) Zone on the subject lands. However, a concern was the permitting of outdoor storage restrictions within the proposed Mixed Use Medium (C5) Zone.</p>	<ul style="list-style-type: none"> • Proposed Special Exception 601 will permit the display of goods or materials for retail purposes in any yard, but shall not be located on a planting strip, or required parking or loading area.
<p>Urbansolutions c/o 276, 272, 270, & 268 Wellington Street North, 240 Barton Street East</p>	<p>Request to add 268 and 270 Wellington Street North into the proposed C5a Zone as all of the properties are to be developed comprehensively. Currently designated Neighbourhoods. Will need to add to the Mixed Use Medium Pedestrian Focus (C5a) Zone. Site plan application submitted to permit a surface commercial parking facility.</p>	<ul style="list-style-type: none"> • Proposed Official Plan Amendment to redesignate lands located at 268 and 270 Wellington Street North. • Proposed Special Exception 307 to permit a surface Commercial Parking Facility not contained within a building, and to add additional modifications from the approved Minor Variance application HM/A-16:202.

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Smart REIT	<p>One letter received dated January 23, 2017. Comments include:</p> <ol style="list-style-type: none"> 1. Definition of Shopping Centre should include residential uses in addition to commercial uses. Furthermore, the term "commercial establishments" used in the definition can be open to interpretation to mean any retail or service commercial use. 2. Addition of existing loading space locations should be included in the clause. 3. The proposed change in the minimum number of stacking spaces in a drive-through facility to 15 stacking spaces per lane as per Section 4.25 is too excessive. Should lower it for more efficient use of land and implement though design guidelines. 4. Parking standard for Shopping Centre should include uses beyond retail, and should include a more broad set of commercial uses. 5. The proposed Zone provision under Section 5.7a)i) states locational requirements of long term bicycle parking spaces, but minimum parking requirements are not identified. Should have an arrangement similar to Short Term parking where there are both locational and spaces requirements. 	<p>The responses to the concerns are below:</p> <ol style="list-style-type: none"> 1. A shopping mall is intended to provide a variety of commercial uses such as retail, personal services, financial institutions, and restaurants. Residential uses will remain as separate uses from a shopping mall. Also, the definition of Shopping Centre includes the words "broader shopping customer" to denote end-user consumers as opposed to "Business to Business" or wholesale customers. 2. Loading space locations and requirements are not required under Zoning By-law 05-200. No need to be in the Vacuum Clause. 3. Increase in the number of stacking spaces has been removed, and no changes are made from what already exists in Zoning By-law 05-200. 4. The intent of the term Shopping Centre is not exclusively for retail purposes only. The definition was revised to highlight the "broader shopping customer" to denote end-use consumer as opposed to "Business to Business" or wholesale customers. 5. There is no minimum long term parking requirements as the requirements are optional. Furthermore, there is only one fixed ratio offered to reduce motor vehicle requirements as opposed to a "sliding ratio".

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	<p>6. The proposed zone provisions under Section 5.7f)i) states a reduction in motor vehicle parking by 1 space per every 5 long term bicycle parking space provided. Is there a cap?</p> <p>7. Proposed District Commercial (C4) Zone does not permit residential uses.</p> <p>8. Shopping Centres could have an individual regulation section similar to Motor Vehicle Gas Bars, Place of Worship and Retirement Home uses.</p> <p>9. Explanatory note includes text referencing "large format shopping centre". However, Shopping Centre is not identified as a permitted use.</p> <p>10. Maximum building height provisions may be too restrictive to accommodate residential intensification and mixed use development. Suggestion is to reduce the setback provision. Diagram provided as part of the letter to provide assistance in explanation.</p> <p>11. Consider different setback requirements for abutting "Low Density Residential" and "High Density Residential".</p> <p>12. The zoning regulation requiring principal entrances to face the street. This may not be feasible for buildings where the design is so the main entrance does not face the street, but perhaps face the side of the building.</p>	<p>6. Noted and proposed wording includes a cap of 10% of the original motor vehicle parking requirement.</p> <p>7. The proposed District Commercial (C4) Zone permits dwelling units and multiple dwellings, and is limited to a maximum of 50% of the total gross floor area.</p> <p>8. A Shopping Centre has been only defined for the purposes of parking and is not a distinct commercial use. As a result it would not have individual regulations.</p> <p>9. The explanatory note does not form part of the Zoning by-law and it only provides a general explanation of each zone. The term "large format shopping centre" is to generally explain the building typology.</p> <p>10. Noted. Wording revised to include a maximum setback of 20 metres from the lot line.</p> <p>11. Parcels zoned Mixed Use - High Density generally does not abut a residential zone. Often separated by a street or a utility corridor. Suggestion may not provide much benefit to the parcels in the proposed Zone.</p> <p>12. Comments noted. Revised wording to require principle entrances to face the street for buildings facing the street and within the required setback.</p>

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	<p>Consider addressing this at the Site Plan stage.</p> <p>13. The zoning regulation restricting the number of driveway access to the street to one per property may not be feasible in a larger development where more than is required. Furthermore, a maximum width of 6.0 metres for a driveway access may not be feasible if there needs to be numerous lanes providing proper traffic circulation.</p> <p>14. Habitable rooms or windows on the ground floor of a building façade are not permitted. There are examples in other jurisdictions that allow for residential uses at grade. Future development may include residential uses at-grade.</p> <p>15. Seek clarification on why there is a cap on the number of residents for Residential Care Facilities and Retirement Homes.</p> <p>16. Seek clarification on why the maximum building height is 22 metres.</p>	<p>13. Comments noted. This regulation has been removed due to the infeasibility of providing only one driveway access if the commercial development is large. It is acknowledged that such restrictions will result in internal traffic circulation issues.</p> <p>14. Wording in the proposed zone regulation to permit residential uses on the ground floor but a minimum of 0.9 metres from at-grade to provide privacy for residents.</p> <p>15. The cap is to limit the intensity of the use. For a proposed Mixed Use High Density (C4) and Mixed Use Medium Density (C5) Zone, the maximum number of residents is greater than other proposed CMU Zones that permits the use. On the contrary, the maximum number of residents is much less for the proposed Residential Character (C1) Zone due to the scale and built form of the proposed zone.</p> <p>16. The maximum 22 metres (or approximately six-storeys) is consistent with the UHOP policy where the maximum height is six storeys. Requests to proposed a development exceeding the maximum height requires a Zoning By-law Amendment application for buildings up to eight storeys.</p>

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Steve Fraser, A.J. Clarke and Associates, c/o Summit Park Phase 10	Seek to add lands to the Commercial and Mixed Use Zones based on the approved Zoning By-law 16-083. More specifically, Block 4 is currently zoned Neighbourhood Commercial “C1-173” Zone, modified.	<ul style="list-style-type: none"> • The existing zoning permits limited commercial uses and residential uses such as single-detached, semi-detached, street townhouse, block townhouse, and apartment buildings. As permitted uses are predominantly residential, lands will be addressed at the future Residential Zoning phase.
Jordan Hill, Dundas	Email sent originally to seek further clarification on a nine-storey residential building proposed at 71 Main St and 10 Baldwin St. in the Town of Dundas. Currently the Zoning By-law Amendment is appealed to the OMB.	<ul style="list-style-type: none"> • The subject lands located at 71 Main Street and 10 Baldwin Street was removed from the Commercial and Mixed Use Zone Project to allow the OMB process to proceed. Decisions made by the OMB will be incorporated as a Special Exception. • The maximum building height of the proposed Mixed Use Medium Density (C5) Zone is 22 metres, or approximately six storeys.