



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 17, 2018
SUBJECT/REPORT NO:	Application for Amendment to Zoning By-law No. 6593 for Lands Located at 500 Upper Wellington Street, Hamilton (Ward 7) (PED18079)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Zoning By-law Application ZAC-17-061, by BFM Foundation Real Estate Management (Garry Glasbergen and Frank Oostdyk, Owner)**, for a change in zoning from the “C” (Urban Protected Residential, etc.) District (Block 1) and the “H” (Community Shopping and Commercial, etc.) District (Block 2) to the “H/S-1759” (Community Shopping and Commercial, etc.) District, Modified, in the City of Hamilton Zoning By-law No. 6593, to permit the phased redevelopment of the existing thrift store for commercial uses on lands located at 500 Upper Wellington Street (Hamilton), as shown on Appendix “A” to Report PED18079, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan.
- (b) That approval be given for a change in zoning from the Mixed Use – Medium Density, Pedestrian Focus (C5a) Zone to the Mixed Use – Medium Density, Pedestrian Focus (C5a, 685) Zone in the Hamilton Zoning By-law No. 05-200, to

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permit the phased redevelopment of the existing thrift store on lands located at 500 Upper Wellington Street (Hamilton), as shown on Appendix “A” to Report PED18079, subject to the following:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18079, be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect; and,
- (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “C” to Report PED18079, for enactment by City Council, once the Commercial and Mixed Use Zones are in force and effect.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is for a change in zoning from the “H” (Community Shopping and Commercial, etc.) and the “C” (Urban Protected Residential, etc.) District to the “H/S-1759” (Community Shopping and Commercial, etc.) District, Modified, to permit the phased redevelopment of the existing thrift store to accommodate additional display area, office space, and accessibility features. Modifications requested by the applicant to the “H” District include a reduced front yard setback, reduction in the size of the required loading space, a reduced southerly planting strip, and reduced setback of a parking area from an adjacent residential use. The proposal complies with the new (C5a) Zone in By-law No. 05-200, except for façade height, specifically, a minimum height of 5.7 m whereas a minimum height of 7.5 m is required, and parking ratio of one space for every 31 sq m, whereas one space for every 17 sq m is required. As such, and given that the application was received prior to Council’s adoption of the C5a Zone, staff are recommending that the C5a Zone be amended to allow for the complementation of the redevelopment proposal.

Alternatives for Consideration – See Page 20

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 a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Background:

The subject property is located on the west side of Upper Wellington Street, north of Queensdale Avenue East and south of Concession Street, and is municipally known as 500 Upper Wellington Street. The subject lands are 0.52 ha in size and contain an existing one storey thrift store with an associated parking area accessed from Upper Wellington Street with fifty-nine parking spaces at the rear of the site. Landscaping is provided at the front.

Chronology:

<u>July 19, 2017:</u>	Application ZAC-17-061 received.
<u>July 25, 2017:</u>	Application ZAC-17-061 deemed complete.
<u>August 4, 2017:</u>	Notice of Complete Application and Pre-Circulation was mailed to 185 property owners within 120 m of the subject property.
<u>September 16, 2017:</u>	A Public Notice sign was established on the property.
<u>March 21, 2018:</u>	Public Notice sign updated to reflect the date of Public Meeting.
<u>March 30, 2018:</u>	Circulation of Notice of Public Meeting to 185 property owners within 120 m of the subject property.

Zoning By-law Amendment (ZAC-17-061)

The site is currently dual zoned in Zoning By-law No. 6593, which the applicant proposes to consolidate as part of the redevelopment of the lands. The application is for a change in zoning from the “C” (Urban Protected Residential, etc.) District and modification to the existing “H” (Community Shopping and Commercial, etc.) District in order to allow for the phased redevelopment of the existing thrift store (see Appendix “C” to Report PED18079). The proposal includes the removal of 75 sq m at the rear of the building and to construct a 610 sq m, one storey addition at the front of the property. The second phase will consist of the removal of the remaining original structure, being approximately 980 sq m, and the construction of a 1065 sq m, one storey addition in the rear, with a reconfigured parking area for 49 parking spaces.

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The applicant has requested modifications to the “H” District in order to permit the following:

- Minimum front yard setback of 2.0 m instead of the minimum required 8.5 m front yard setback;
- A minimum 0.75 m wide planting strip (average width) along the southerly lot line instead of a minimum 1.5 m wide planting strip;
- A minimum 0.5 m setback from a residential district instead of a minimum 1.5 m setback from a residential district for parking and manoeuvring areas; and,
- To provide one loading space, having a minimum width of 3.7 m and length of 9.0 m instead of one loading spaces having a minimum width of 3.7 m and length of 18.0 m.

In addition, staff have amended the application to change the minimum parking stall size from the minimum required 2.7 m by 6.0 m to a minimum 3.0 m by 5.8 m in order to reflect future changes to the concept plan, attached as Appendix “D” to Report PED18079.

New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been Council adopted. The subject lands are zoned Mixed Use – Medium Density, Pedestrian Focus (C5a) Zone in the new Commercial and Mixed Use Zones. In anticipation of resolution of Ontario Municipal Board appeals pertaining to the CMU Zones in Q2 / 18 or Q3 / 18, a draft by-law has been prepared with this Report (attached as Appendix “C” to Report PED18079), for a change in zoning from the Mixed Use – Medium Density, Pedestrian Focus (C5a) Zone to the Mixed Use – Medium Density, Pedestrian Focus (C5a, 685) Zone for a reduction in minimum required height from 7.5 m to a minimum required 5.7 m. The draft by-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment.

DETAILS OF SUBMITTED APPLICATION:

Owner: BFM Foundation Real Estate Management (Garry Glasbergen and Frank Oostdyk)

Agent: GSP Group Inc.

Location: 500 Upper Wellington Street (Hamilton) (see Appendix “A” to Report PED18079)

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Property Size: Frontage 65 m
 Area 0.52 ha
 Depth 76 m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Thrift Store	“H” (Community Shopping and Commercial, etc.) District, “C” (Urban Protected Residential, etc.) District (By-law No. 6593) Mixed Use Medium Density - Pedestrian Predominant (C5a) Zone (By-law No. 05-200)
<u>Surrounding Lands:</u>		
North	City of Hamilton Lands, former Fire Station	“H/S-1532” (Community Shopping and Commercial, etc.) District, Modified, “H” (Community Shopping and Commercial, etc.) District (By-law No. 6593) Mixed Use Medium Density - Pedestrian Predominant (C5a) Zone (By-law No. 05-200)
East	Single Detached Dwellings & Retail (Flower Shop)	“H” (Community Shopping and Commercial, etc.) District (By-law No. 6593) Mixed Use Medium Density - Pedestrian Predominant (C5a) Zone (By-law No. 05-200)

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South	Commercial Vehicle Rental (U-Haul) & Semi Detached Dwellings	“H” (Community Shopping and Commercial, etc.) District, “G-3” (Public Parking Lots) District, “D/S-1561” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified (By-law No. 6593) Mixed Use Medium Density - Pedestrian Predominant (C5a) Zone (By-law No. 05- 200)
West	Single Detached Dwellings	“C” (Urban Protected Residential, etc.) District (By- law No. 6593)

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

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, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Staff also note Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS (2014) also applies:

“2.6.3 Planning authorities shall not permit *development* and *site alteration* on *adjacent lands* to *protected heritage property* except where the proposed *development* and *site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be *conserved*.”

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The subject property is adjacent to 489 Upper Wellington Street, Hamilton, a property included in the City's Inventory of Buildings of Architectural and / or Historical Interest. Staff have reviewed the application and are of the opinion that the heritage value of the property will be conserved.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2014, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*; and,
- Consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

The proposal conforms to the Guiding Principles, Section 1.2.1 of the Growth Plan, as it is designed to support healthy and active living and meet people's needs for daily living. In addition, the Growth Plan provides direction for commercial uses under the following policies:

- "2.2.5.3. Retail and office uses will be directed to locations that support active transportation and have existing or planned transit.
- 2.2.5.12. The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities."

The subject lands are located along the existing HSR Bus Route #26 where the applicant proposes intensification of the existing retail use on site to help support the achievement of complete communities.

Based on the foregoing, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Mixed Use – Medium Density" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). In addition, this portion of Upper Wellington Street is considered Pedestrian Predominant per Table E.4.3.1 of Policy E.4.3.1 of the UHOP. The following policies, amongst others, apply to the application:

Mixed Use – Medium Density (Pedestrian Predominant)

“E.4.3.4 In addition to the policies of the specific Commercial and Mixed Use designations, the following policies shall apply to *pedestrian predominant streets*:

- a) A minimum of 75% of the block face located between two roads shall be developed with buildings.
- b) Buildings shall be built up to the streetline and parking, driveways or lanes shall not be permitted between the buildings and the street, except as set out in E.4.3.4 g).
- c) Each building or store front shall face onto the *pedestrian predominant street* with the main entrance of each building or store and substantial fenestration facing on to the street.
- j) New buildings and spaces shall be designed to reflect a human scale of development, contribute to public safety and security, and create a significantly enhanced pedestrian environment.
- k) New buildings shall be encouraged to have awnings, canopies, arcades, or front porches to provide weather protection.”

The proposed development provides for 70.8% of the lot frontage width to be comprised of building façade, including driveways, and 86.78% of the lot frontage, excluding driveways. Additionally, the building is located at the street edge, providing driveways and parking at the side and rear of the lands. The new storefront will face onto Upper Wellington Street, with substantial fenestration, including awnings and canopies above each entranceway, demonstrated through the Elevation Plans in Appendix “D” to Report PED18079. The proposed building will be a one storey structure, ensuring there is a human scale contributing to public safety, security, and enhanced pedestrian environment.

“E.4.6.5 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, *auto* and *home centres*, *home improvement supply stores*, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities;

E.4.6.10 Permitted uses shall be located in single or mixed use buildings.”

The proposed development consists of replacing the existing building in phases to allow for the existing retail operation to continue in an updated building and will be located within a single use building which are permitted by the Mixed Use – Medium Density Policies.

Urban Design Policies

“B.3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private *development* and *redevelopment* should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;
- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- i) minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping.

B.3.3.2.5 Places that are safe, accessible, connected and easy to navigate shall be created by using the following design applications, where appropriate:

- a) connecting buildings and spaces through an efficient, intuitive, and safe network of streets, roads, alleys, lanes, sidewalks, and pathways;
- b) providing connections and access to all buildings and places for all users, regardless of age and physical ability;

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- c) ensuring building entrances are visible from the street and promoting shelter at entrance ways;
- d) integrating conveniently located public transit and cycling infrastructure with existing and new development;
- f) providing pedestrian-scale lighting;
- j) creating places and spaces which are publicly visible and safe.

B.3.3.2.6 Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas is desirable, new *development* and *redevelopment* should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context;

B.3.3.2.7 Places that are adaptable in accommodating future change are desirable and should be created by:

- a) designing buildings, sites, and public spaces that can be used for a variety of uses in the future in response to changing social, economic, and technological conditions;
- b) encouraging design that accommodates the changing physical needs of people and their lifestyles through all stages of their lives; and,
- c) encouraging innovative design of built forms and public spaces.

B.3.3.2.9 Urban design plays a significant role in the physical and mental health of our citizens. Community health and well-being shall be enhanced and supported through the following actions, where appropriate:

- c) encouraging *development* of complete and compact communities or neighbourhoods that contain a variety of land uses, transportation, recreational, and open space uses; and,
 - d) reducing air, noise, and water pollution through the following:
 - i) facilitating and promoting the use of *active transportation* modes through building and site design;
 - ii) providing adequate green space, landscaped buffering, and storm water management facilities;
- B.3.3.3.2 *New development* shall be designed to minimize impact on neighbouring buildings and public spaces by:
- a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties;
- B.3.3.3.3 *New development* shall be massed to respect existing and planned street proportions.
- B.3.3.3.4 *New development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.”

The proposed development consists of a phased redevelopment of the existing one storey retail store on site. Phase 1 proposes to remove a portion of the rear of the existing building and also to construct an addition at the front of the building that results in reduced front yard setback ranging between 2.13 m and 3.0 m. The second phase of development would replace the existing structure for an updated building that can be used for a range of uses. The phased development will allow for the existing business to operate on site without interruption during any construction activity.

The proposed redevelopment will establish a new animated street edge along a portion of Upper Wellington Street. The development will introduce accessibility features such as wide door openings, wheelchair ramp accesses and a readable façade to establish a street edge at a human scale. The applicant also proposes to construct awnings over entranceways to provide a safe and welcoming atmosphere. Since the subject lands are adjacent to existing residential to the south and west, staff note that a Lighting Plan, traffic and pedestrian connections will be reviewed, and a Noise Study may be required,

at the Site Plan Control stage to ensure policies B.3.3.2.4 i), B.3.3.2.5 b) and f) are addressed.

Currently, there is no cycling infrastructure along this portion of Upper Wellington Street, but the applicant's Concept Plan (see Appendix "D" to Report PED18079) indicates that five short term bike parking spaces are provided on site, allowing connection to future infrastructure for cyclists in this area. In addition a Transportation Demand Management Plan (TDM) prepared by van der Woerd & Associates Ltd., was submitted in support of this application to ensure that pedestrian and public transit infrastructure is also considered for this development. TDM will be further reviewed at the Site Plan Control stage.

The current condition of the lands are comprised of an asphalt parking area at the rear of the lands, directly adjacent to existing residential development. The proposed redevelopment introduces landscape buffers along the entire perimeter of the parking area, allowing for additional greenspace and landscaping.

The proposal consists of a single storey phased redevelopment that is consistent in height with existing buildings along Upper Wellington Street. With the introduction of new landscaping and fencing along the perimeter of the existing parking area, privacy and separation for existing residential uses will be improved with this redevelopment.

"B.3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate;

B.3.3.10.4 Where surface parking is proposed, it should be located to the sides or rear of buildings to enable the development of a continuous street edge and the creation of quality urban spaces consistent with Section B.3.3.2 – General Policies and Principles.

B.3.3.10.5 Parking areas shall be connected to the street through safe, landscaped pedestrian walkways.

B.3.3.10.6 Perimeters of surface parking lots shall be landscaped with appropriate materials that allow visibility from the public realm to the interior of the parking area.

B.3.3.10.10 Bicycle parking facilities shall be located as close as possible to the entry points to buildings. A variety of bicycle parking formats, such as sheltered racks and lockers, catering to both employees and visitors is encouraged.”

In keeping with the conceptual elevation drawings (see Appendix “D” to Report PED18079), principle entrances to the building are provided parallel to the street, with all parking proposed at the side and rear of the lands. Sidewalk connections are provided from the street to the internal areas of the site, including entrances into the building and the parking area to the rear. Additional landscaping will be further reviewed at the Site Plan Control stage to ensure applicable policies are met.

Noise

“B.3.6.3.19 *Development or redevelopment* with the potential to create conflicts between *sensitive land uses* and point source or fugitive air emission such as noise, vibration, odour, dust, and other emissions may include:

- c) commercial or any other uses with the potential to produce point source or fugitive air emission such as noise, vibration, odour, dust, and other emissions, including those with a high number of deliveries, loading areas, and other noise generating features such as a drive-through speaker, or car wash, in the vicinity of *sensitive land uses*;

At the Site Plan Control stage, the applicant may be required to submit a Noise Impact Study to ensure that noise conflicts with the adjacent residential uses, being a sensitive land use, are mitigated. Noise sources from this development may include the loading facilities and any mechanical equipment.

Transportation

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- d) Minor arterial roads, subject to the following policies:
 - i) The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.

- ii) Land accesses shall be permitted with some controls.
- iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.

The current width of this portion of Upper Wellington Street is 20.117 m. At the Site Plan Control stage, the applicant will be required to dedicate a road widening of 5.182 m to achieve the required width. The Concept Plan provided by the applicant shows that this widening has been accommodated through the design of the site (see Appendix “D” to Report PED18079).

Based on the foregoing, the proposal complies with the UHOP.

Hamilton Zoning By-law No. 6593

The subject lands are currently zoned “H” (Community Shopping and Commercial, etc.) District (Block “1”) and “C” (Urban Protected Residential, etc.) District (Block “2”). The “H” District currently permits a range of commercial uses, including retail uses. The “C” District, however, only permits residential uses, namely single detached dwellings. The portion of lands subject to the “C” District include only the existing parking area.

Hamilton Zoning By-law No. 05-200

As part of the City’s comprehensive rezoning of all Commercial and Mixed Use Zones, the subject lands are consolidated under one zone and zoned Mixed Use – Medium Density, Pedestrian Focus (C5a) Zone to implement the applicable UHOP land use designation. The (C5a) Zone permits a range of commercial uses, including retail, in conjunction with residential uses. The CMU Zones have been adopted by City Council but appealed to the Ontario Municipal Board and not in force and effect. In anticipation of resolution of OMB appeals pertaining to the CMU Zones, a draft by-law has been prepared with this Report (attached as Appendix “C” to Report PED18079), to reflect the design of the proposed development, which requires an amendment to the minimum height of 7.5 m to 5.7 m. The draft by-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment. The subject property is to be rezoned a modified Mixed Use – Medium Density, Pedestrian Focus (C5a, 685) Zone.

RELEVANT CONSULTATION

The following Departments / Agencies had no comments or objections:

- Strategic Planning, Public Works Department; and,

- Recreation, Emergency and Community Services Department.

The follow Departments / Agencies have provided comments on the application:

Corridor Management Section, Public Works Department have reviewed the application and have identified no concerns with the proposed Zoning By-law Amendment. Staff have highlighted that should the application move forward, an Access Permit will be required for any modification to or creation of a driveway access. Design requirements have also been provided by staff which include a minimum 1.2 m separation between any driveway access and infrastructure, 5.0 m by 5.0 m visibility triangles at the accesses, and to highlight the requirement of a Construction Management Plan to evaluate if any public right of way, including sidewalks, are to be obstructed by the construction activity. Staff note that these details will be evaluated through the future Site Plan Control stage.

Forestry and Horticulture Section, Public Works Department have noted that there are existing municipal trees along Upper Wellington Street that are in conflict with the proposed development. Accordingly, the applicant will be required to submit a Tree Management Plan at the Site Plan Control stage, as well as receive a Tree Removal Permit from Forestry and Horticulture staff. In addition, any future street trees proposed along the property frontage will be planted by City of Hamilton staff with payment of approximately \$614.00 per tree.

Vector Borne Disease Section, Public Health Services Department require that a pest control plan, focusing on rats and mice, shall be developed and implemented for the demolition, construction / development phase of the project and continue until the project is complete. The plan can include trapping and / or baiting but special consideration should be aimed at ensuring any / all bait stations are tamper-resistant and deceased rats are removed to prevent secondary poisoning of other animals. This requirement will be implemented as a Condition at the Site Plan Control stage.

Healthy Environments Division, Public Health Services Department have reviewed the submitted materials and are in support of the proposed Transportation Demand Management Report. Staff are recommending that only the minimum number of parking spaces be provided on site. Planning staff note that the number of parking spaces will be further reviewed at the Site Plan Control stage to ensure this recommendation is implemented.

Recycling and Waste Disposal Section, Public Works Department have reviewed the application and note that the site is eligible for municipal waste collection, subject to City requirements. Comments indicate that curbside collection will be used for the subject lands, ensuring that the site can be serviced by municipal waste collection

vehicles. Further review of eligibility will be conducted at the Site Plan Control stage to confirm.

PUBLIC CONSULTATION

In accordance with Council's Public Participation Policy, the Zoning By-law Amendment application was circulated to 185 property owners within 120 m of the subject lands on August 4, 2017. A Public Notice Sign was installed on the property on August 10, 2017. To date, four submissions have been received by the City and are discussed in the Analysis and Rationale for Recommendation Section of Report PED18079.

Public Consultation Strategy

The applicants submitted a Public Consultation Strategy with the initial submission of the application, indicating that a newsletter would be circulated to all property owners within 120 m of the subject lands. The newsletter was received by the City of Hamilton on August 28, 2017, and included a detailed description of the proposal, colour renderings of the development proposal, and the applicant's contact information.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It complies with the Urban Hamilton Official Plan;
 - (ii) The proposed development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, providing for intensification along a Pedestrian Predominant Street;
 - (iii) The proposed modifications to the Zoning By-law are considered to be compatible with the existing development in the surrounding area; and,
 - (iv) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Growth Plan) which encourages the development of complete communities within built-up areas.
2. The purpose and effect of this application is for a change in zoning from the existing "H" (Community Shopping and Commercial, etc.) District and the "C" (Urban Protected Residential, etc.) District to the "H/S-1759" (Community Shopping and Commercial, etc.) District, Modified for the entirety of the subject property, to permit the redevelopment of the existing thrift store on the subject lands. The "H/S-1759" District proposes the following modifications:

- To permit a minimum average 0.75 m planting strip, but in no cases less than 0.50 m in width, along a side or rear lot line, whereas a minimum 1.5 m wide planting strip along all lot lines abutting a residential district;
- To permit a parking area to be setback minimum 0.5 m from a residential district, whereas a minimum 1.5 m setback is required;
- To permit an unenclosed porch to project a maximum 0.3 m from the front lot line, whereas a maximum 1.5 m projection to the front lot line is permitted;
- To permit one loading space having minimum dimensions of 3.7 m wide, 9.0 m long, and 3.0 m high, whereas one loading spaces having minimum dimensions of 3.7 m wide, 18.0 m long, and 4.3 m high is required; and,
- To permit a minimum parking stall size of 3.0 m by 5.8 m instead of the minimum required 2.7 m by 6.0 m.

Planting Strip

The applicant proposes a planting strip along the southerly (side) lot line of a varying width (0.50 m – 1.50 m) whereas a minimum 1.5 m planting strip is required abutting a residential district. The intent of this provision of the Zoning By-law is to provide separation, buffering and screening between the commercial use and the adjacent residential uses. The current layout of the existing parking lot is to the full limits of the property with no separation from the adjacent residential uses. The proposed minimum also recognizes a pinch point in the landscape strip due to the irregular shape of the lot abutting the rear of the southerly adjacent commercial property. Therefore, not all of the required planting strips will have a minimum average width of 0.75 m and will achieve a width of 1.5 m at the street, ensuring the streetscape is not negatively impacted. In addition, the proposed minimum average width of 0.75 m will continue to ensure adequate landscaping and fencing can be provided on site. Based on the foregoing, the modification is considered an improvement to the lands and is supported by staff.

Parking Area

The applicant proposes to locate the parking area a minimum 0.5 m from an adjacent residential district, whereas the Zoning By-law requires a minimum 1.5 m separation. As noted above with the reduced planting strip, this request is a result of the irregular shape of the lot and this is an improvement to the existing configuration of the parking area, which currently has a 0.0 m setback to adjacent residential districts. The proposed 0.5 m setback will ensure new fencing and

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landscaping can be introduced to provide additional separation. It is noted that the required 0.75m wide (average width) landscape strip is required to be provided adjacent to the side and rear lot line. Based on the foregoing, the modification is reasonable and is supported by staff.

Front Yard Projection

The applicant proposes to provide an unenclosed porch to project a maximum 0.3 m into a required front yard, whereas the Zoning By-law requires a maximum 1.5 m projection into a required front yard. Staff note that bringing the building close to the street keeps the proposal in line with the UHOP policies with respect to Pedestrian Predominant streets. The proposed projection also allows for a covered entrance to the building, providing a distinct and welcoming entrance to patrons and a more animated streetscape. Based on the foregoing, the modification is reasonable and is supported by staff.

Loading Spaces

The applicant proposes to provide one loading space, having minimum dimensions of by 9.0 m by 3.7 m by 3.0 m, whereas the Zoning By-law requires a minimum one loading spaces having dimensions of 18.0 m by 3.7 m by 4.3 m. Staff note that this use would not receive large delivery trucks since items sold for retail would be provided through donations. Based on the foregoing, the modification is reasonable and is supported by staff.

Parking Stall Size

The concept plan submitted by the applicant proposes 59 parking spaces to be provided in support of the thrift store (see Appendix “D” to Report PED18079). In anticipation of the enactment of the CMU Zones, which requires a minimum parking stall size of 3.0 m by 5.8 m, staff have amended the application to carry forward the new stall size. This ensures that future development approvals are not compromised by the proposed change. As a result of the change in parking stall size, 49 parking spaces will be provided on site, which is nine spaces greater than required by Zoning By-law No. 6593. Based on the foregoing, the modification is reasonable and supported by staff.

3. The subject lands have been incorporated into Zoning By-law No. 05-200 under the Commercial and Mixed Use Zones, which were adopted by Council under by-law No. 17-240, but have been appealed to the OMB. As part of the undertaking of the CMU Zones, the subject lands have been placed in the Mixed Use – Medium Density, Pedestrian Focus (C5a) Zone. The applicant has requested modifications to the (C5a) Zone as follows:

Minimum Height

The applicant has requested a modification to the (C5a) Zone to permit a reduced height from the minimum required 7.5 m to 5.7 m, in order to reflect the proposal, as submitted prior to the adoption of the CMU Zones. The requested reduction acknowledges that the development is a one storey building and that requiring a second storey to the development would result in additional costs from the applicant to redesign the building. In addition, further detailed review of the development will occur at the Site Plan Control stage to ensure that the design of the building is sympathetic to the transformative streetscape of Upper Wellington Street which is designated Mixed Use – Medium Density, Pedestrian Predominant in the UHOP. Based on the foregoing, the modification is reasonable and supported by staff.

Parking Ratio

The applicant proposes to provide 49 parking spaces on site whereas By-law No. 05-200 requires a minimum 73 parking spaces, or one parking space for every 17 sq m, except for the first 450 sq m of commercial gross floor area. Staff have amended the application in order to permit a parking ratio of one space for every 31 sq m, except for the first 450 sq m of commercial gross floor area. The proposed modification acknowledges the development as submitted, being prior to the Council adoption of the CMU Zone, and is consistent with the parking ratio under Zoning By-law No. 6593. In addition, the proposed parking reduction acknowledges that the lands are located along a Pedestrian Predominant street, encouraging decreased parking provisions. Based on the foregoing, the modification is reasonable and supported by staff.

Therefore, the lands will be placed under the Mixed Use – Medium Density, Pedestrian Focus (C5a, 685) Zone (see Appendix “C” to Report PED18079).

4. Staff have reviewed the Functional Servicing Report, prepared by van der Woerd & Associates Ltd., dated July 2017 and the Grading and Site Servicing Plan prepared by van der Woerd & Associates Ltd. Upon review of these materials, the Development Engineering Approvals Section has advised that the subject lands have full access to the existing municipal water and wastewater systems along Upper Wellington Street and that they have no concerns with the proposed Zoning By-law Amendment application proceeding for approval.

Any outstanding servicing, stormwater management, and grading comments received through this application can be addressed through the detailed design stage of development through the Site Plan Control process.

5. To date, four letters from the public have been received in response to the public circulation (see Appendix “E” to Report PED18079). The overall issues from the public circulation are generally summarized as follows:

Noise

An adjacent property owner raised concerns that with the expansion of the thrift store, additional traffic would result in increased noise from vehicles and people that could cause impacts on adjacent residential uses. At the Site Plan Control stage, the applicant may be required to complete a Noise Impact Study to evaluate current and future noise levels to determine if noise mitigation measures are required to be implemented.

Traffic

Concerns were raised by adjacent property owners that traffic conflicts could arise from increased traffic levels and from use of the adjacent lands to the north for an additional access. Currently, the subject lands contain 33 parking spaces and as part of the reconfiguration, 49 parking spaces will be proposed. The proposed increase is not considered to be a substantial impact and has not triggered the requirement for additional traffic studies. Staff note that the lands to the north are City owned lands and do not form part of this application. Therefore, the only access will be permitted from Upper Wellington Street. In addition, staff do not anticipate a traffic level increase that would result in the need for additional traffic control measures, such as restricted access.

Proposed Uses

A letter of concern identified that a portion of the building will be used for “repair” and wished to ensure that this did not include a high noise generator. As noted above, any future Noise Impact Study will evaluate the site as a whole, including any noise generating uses within the building, to ensure appropriate noise mitigation is implemented. In addition, only uses permitted under the “H” (Community Shopping and Commercial, etc.) District and uses that comply with the UHOP may operate on site.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands would continue to be used in accordance with the “H” (Community Shopping and Commercial, etc.) District and the “C” (Urban Protected Residential, etc.) District. Once the CMU Zones are in full force and effect, the applicant would be able to proceed with the proposal as presented.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

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.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft By-law
- Appendix “C”: Draft By-law for 05-200
- Appendix “D”: Concept Plans
- Appendix “E”: Public Input