



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 4, 2020
SUBJECT/REPORT NO:	Application to Amend City of Hamilton Zoning By-law 05-200 for Lands Located at 630 Stone Church Road West (Hamilton) (PED20024) (Ward 14)
WARD(S) AFFECTED:	Ward 14
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Revised Zoning By-law Amendment Application ZAR-19-003 by CPDL Mancini Holdings Inc. (Owner)** for a change in zoning from the Community Commercial (C3) Zone to a Modified Community Commercial (C3) Zone to recognize an illegally constructed rear yard freezer addition on lands located at 630 Stone Church Road West, Hamilton, as shown on Appendix “A” to Report PED20024, be **DENIED** on the following basis:

- i) That the proposed amendment does not comply with the Urban Hamilton Official Plan (UHOP) as the massing of the addition, including reducing the rear yard setback and increasing the height, does not maintain the general intent and purpose of the UHOP as the addition does not maintain the character of the existing neighbourhood.

EXECUTIVE SUMMARY

The purpose of the application is to seek modifications to the Community Commercial (C3) Zone to recognize the illegal construction of a rear yard freezer addition to the existing bakery, and to recognize legal non-conforming regulations respecting the

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existing development. There is no record of a building permit being applied for or issued for the illegally constructed freezer addition, and an Order to Comply was issued by the City on April 12, 2016.

On May 18, 2017, a minor variance application to the provisions of Hamilton Zoning By-law No. 6593 (HM/A-17:127, as shown on Appendix “C” to Report PED20024) was considered by the Committee of Adjustment for the rear yard setback and the required landscape strip along the north and east lot lines. The Planning comments stated that reducing the rear yard setback would not be maintaining the character of the existing neighbourhood and did not support the variances. However, the Committee granted the variances. The adjacent townhouse development, located to the north and east of the subject property, appealed the Committee decision to the Local Planning Appeal Tribunal (LPAT, Case No. PL170710, as shown on Appendix “D” to Report PED20024). The LPAT hearing was held on October 17, 2017, and the LPAT allowed the appeal in part, denying the variance to the rear yard setback, but approving a variance to the required landscape strip.

The proposed Zoning By-law Amendment impacts the visual landscape and precludes any opportunity for screening from the residential development to the rear. The proposed Zoning By-law Amendment does not comply with the Urban Hamilton Official Plan (UHOP), as the cumulative massing of the structure as a result of reducing the rear yard setback and increasing the height of the addition beyond the original building does not maintain the general intent and purpose of the UHOP. Given that the addition does not maintain, enhance or respect the character of the existing neighbourhood, staff recommend that the application be denied.

Alternatives for Consideration – See Page 15

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

Report Fact Sheet

Application Details	
Applicant/Owner:	CPDL Mancini Holdings Inc. c/o Lidio Mancini
Agent:	IBI Group (c/o Angela Buonamici)
File Number:	ZAR-19-003
Type of Application:	Zoning By-law Amendment
Proposal:	<ul style="list-style-type: none"> • To seek modifications to the Community Commercial (C3) Zone to recognize the construction of a 38 m² rear yard addition to the existing building, which includes a freezer covered by a roof structure. There is no record of a building permit being applied for or issued for the freezer addition. An Order to Comply was issued by the City on April 12, 2016; and, • To recognize legal non-conforming regulations respecting the existing bakery. It is important to note that in the time since the Minor Variance application and LPAT appeal, the lands were rezoned from the “HH/S-725” (Community Shopping and Commercial, etc.) Zone, Modified, to the (C3) Zone through By-law No. 17-240, resulting in technical modifications that would be required to recognize the previously existing conditions of the development. Staff would be prepared to support these modifications.
Property Details	
Municipal Address:	630 Stone Church Road West, Hamilton (see Appendix “A” to Report PED20024)
Lot Area:	± 1,700.1 m ² (rectangular)
Servicing:	Full municipal services
Existing Use:	Bakery (Sweet Paradise)

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Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow.
Official Plan Existing:	<ul style="list-style-type: none"> • Identified as “Neighbourhoods” on Schedule E – Urban Structure • Designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations • Permitted uses include local commercial uses
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Community Commercial (C3) Zone
Zoning Proposed:	Modified Community Commercial (C3) Zone
Modifications Proposed:	<p>For the freezer addition to the existing building:</p> <ul style="list-style-type: none"> • Permitted Yard Encroachments from 0.6 m to 0.5 m for the eaves and gutters; and, • Minimum Rear Yard from 7.5 m to 0.8 m. <p>To recognize legal non-conforming regulations respecting the existing bakery:</p> <ul style="list-style-type: none"> • Accessory Buildings in Commercial and Mixed Use Zones for maximum gross floor area from 10 m² to 11 m²; • Visual Barrier Requirement from 1.8 m to 1.7 m; • Parking Location from 3.0 m from the street line to 0.9 m from the street line; • Parking Space Sizes from 3.0 m x 5.8 m and 4.4 m x 5.8 m for barrier free parking spaces to 2.7 m x 5.5 m plus an abutting 1.9 m shared aisle for barrier free parking spaces; • Parking Aisle Width from 6.0 m to 5.8 m; • Location of Loading Facilities from not permitted in a required yard abutting a Residential Zone to permitted within the required easterly side yard; • Minimum Number of Required Parking Spaces from 15 (including 1 barrier free space) to 13 (including 1 barrier free space);

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	<ul style="list-style-type: none"> • Building Setback from a Street Line from 4.5 m to 20.1 m; • Minimum Interior Side Yard from 1.5 m to 1.1 m; and, • Built Form for New Development to exempt the restriction prohibiting parking spaces and aisles between the building façade and the front lot line, and to exempt from requiring the principal entrance from having direct access from the public sidewalk.
Processing Details	
Received:	December 7, 2018
Deemed Complete:	January 7, 2019
Notice of Complete Application:	Sent to 139 property owners within 120 m of the subject property on January 16, 2019.
Public Notice Sign:	Posted January 22, 2019
Notice of Public Meeting:	<ul style="list-style-type: none"> • Sent to 139 property owners within 120 m of the subject property on January 17, 2020. • Given by way of newspaper in accordance with the provisions of the <i>Planning Act</i>.
Public Comments:	None received to date.
Processing Time:	393 days.

Previous Minor Variance Application

In 2017, an application for a minor variance was made to the Committee of Adjustment (HM/A-17:127) to recognize variances associated with the construction of the freezer addition to the existing bakery, notwithstanding that per the “HH/S-725” (Restricting Community Shopping and Commercial) District, Modified, of Hamilton Zoning By-law 6593:

1. A rear yard of 1.2 m shall be provided instead of the minimum required 5.17 m rear yard setback; and,
2. No landscape strip shall be provided instead of the 3.0 m wide landscape strip required along the north and east lot lines.

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The Planning comments to the Committee of Adjustment did not recommend support for reducing the rear yard setback as it would not be maintaining the character of the existing neighbourhood. The Committee of Adjustment, at their May 18, 2017 hearing, granted the variances, deeming them to be minor in nature, desirable for the appropriate development of the land and building and consistent with the general intent and purpose of the Zoning By-law and the Official Plan. A copy of the Committee of Adjustment decision is attached as Appendix “C” to Report PED20024.

Local Planning Appeal Tribunal (LPAT) Appeal

Stonechurch Cooperative Homes Inc., a co-op housing development comprised of 54 townhouses at 620 Stone Church Road West, located to the north and east of the subject property, appealed the decision of the Committee of Adjustment to the Local Planning Appeal Tribunal (LPAT, formerly the Ontario Municipal Board) (Case No. PL170710). A portion of the Co-op (including the backyards of several townhouses) abuts the rear property line of the bakery, and there is a grade drop of approximately 1.22 – 1.52 m between the subject lands and the Co-op maintained by a wooden retaining wall and fence. The LPAT hearing was held October 17, 2017.

With respect to the variance to the rear yard setback, a resident of the co-op / Appellant who testified on its behalf alleged that the illegal addition diverts rainwater from the bakery, flooding the co-op homes and is the cause of degradation of the retaining wall. However, the resident conceded that this was speculation on their part, and a professional engineer retained by the applicant testified in support of the proposed variances, indicating that the addition did not introduce any new structural loads or grading changes in relation to the retaining wall.

The May 18, 2017 Planning comments to the Committee of Adjustment stated that reducing the rear yard setback would not be maintaining the character of the existing neighbourhood, and on that basis, does not maintain the general intent and purpose of the UHOP, suggesting that the reduced rear yard setback is incompatible with the existing residential land uses at the rear.

The applicant did not present any professional planning evidence at the LPAT hearing. Presented with no planning evidence to the contrary, the LPAT concurred with the Planning staff comments, finding that the requested variances do not maintain the purpose and intent of the Urban Hamilton Official Plan and Zoning By-law, and are not desirable for the appropriate development of the subject property.

The variance to the landscape strip was not identified as having any undue impacts or issues with the requested relief from this requirement. Therefore, the LPAT concluded the variance to be minor and authorized the reduced landscape strip. A copy of the LPAT decision is attached as Appendix “D” to Report PED20024.

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Retail (Bakery)	Community Commercial (C3) Zone
<u>Surrounding Land Uses:</u>		
North	Block townhouses	“D/S-645a” and “D/S-645b” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified
South	Single detached dwellings	“C” (Urban Protected Residential, etc.) District
East	Block townhouses	“D/S-645a” and “D/S-645b” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified
West	Commercial uses	Community Commercial (C3, 304) Zone

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 2014 and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent LPAT approval of the City of Hamilton Urban Hamilton Official Plan, 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 (i.e. efficiency of land use) are discussed in the Official Plan analysis that follows.

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One exception to the local implementation of the Provincial planning policy framework is that the UHOP has not been updated with respect to Cultural Heritage policies of the PPS. The following policy, amongst others, applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) In an area of elevated topography; and,
- 3) Along historic transportation routes.

Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. Should the Zoning By-law Amendment be approved, a written caution regarding archeological resources will be required to be included as part of any future application, requiring the Owner to acknowledge the archaeological potential of the subject property and that the Owner is required to contact the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries should archaeological material or human remains be encountered during construction.

Based on the foregoing, the proposal is consistent with Section 3 of the *Planning Act* and the Provincial Policy Statement (2014), and conforms to *A Place to Grow* (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. In addition, Stone Church Road West is designated a Minor Arterial road on Schedule “C” – Functional Road Classification. The following policies, amongst others, apply to the proposal.

Neighbourhoods Designation

- “E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.8.9 *Development and redevelopment* of local commercial uses shall:
- c) be *compatible* with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.
- 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:
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style; and,
 - e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

The rear yard freezer addition to the existing bakery does not enhance the character of the existing environment, as it is not in harmony with the form and massing of the existing commercial development, the adjacent commercial plaza to the west, or the abutting residential development to the north and east. The form and massing of the addition alters the building’s exterior, which creates a rear yard encroachment. With the addition there is a proposed rear yard setback of 0.8 m, whereas the Community Commercial (C3) Zone and the adjacent “D/S-645a” and “D/S-645b” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, both require minimum rear yards of 7.5 m. Staff note that the setback to the original building, without the freezer addition, is 5.1 m.

The proposed zoning relief for the addition results in a significant reduction to the minimum rear yard and the cumulative impact of the minimal setback and increased height from the original building, combined with an existing change in grade with the commercial use set approximately 1.5 to 2.0 m above the residential development, creates visual massing and overlook concerns. The proposed 0.8 m setback, combined with the grade differential supported by a retaining wall, limits and may effectively eliminate any opportunity to screen and buffer the adjacent residential development from the commercial use. As a result, the addition, with its massing, is not consistent or

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in harmony with the character of the existing surroundings. The retaining wall as well as a wooden fence delineates the property line. The proposed amendment to permit the rear yard addition by allowing a reduced rear yard setback with no opportunity for buffering or screening is not compatible with the surrounding residential land uses, as the addition creates a visual impact for the adjacent dwellings as the height and massing of the addition extend beyond the retaining wall and fence. Further, because of the illegal construction of the addition, no Planning, Engineering, or Building review could be undertaken to address any issues with respect to the construction and any impacts on grading and the retaining wall.

While staff acknowledge that the addition has minimal shadowing impacts on adjacent developments, its overall height and massing set so close to the property line create an overall impact that is not in character with the area. Further, the exterior finishing materials and roof line of the addition, with its exposed panels and wooden support columns, siding, and higher sloped projecting roof, does not provide a consistent, orderly, or visually compatible arrangement of parts with the existing building's grooved concrete block façade and flat roof. Compatibility issues are addressed below.

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.*”

The subject lands abut residential uses to the north, which are considered a sensitive land use. Accordingly, as part of this application a Noise Analysis Study titled “Sweet Paradise Bakery” prepared by dBA Acoustical Consultants Inc., dated November 2018, reviewed the noise impacts with respect to environmental noise due to the existing freezer addition. Based on the results of the study, no additional mitigation, building components or warning clauses are required. Staff are satisfied with the study findings.

Parking

“C.4.5.15 Parking and loading requirements regulated through the Zoning By-Law or site plan approval shall ensure adequate parking for the site, while

avoiding excess parking supply that can discourage transit use and active *transportation choices.*”

The subject property has the required number of parking spaces for the existing development, being 13 spaces, in accordance with the formerly approved Site Plan Application File No. DA-89-38. However, staff note that the property has demonstrated a historic shortage of operational parking spaces. Based on the current requirements for the Community Commercial (C3) Zone, 15 parking spaces would be required. The rear yard freezer addition increases the gross floor area of the building, which constitutes an intensification of the use of the property and would require an additional two parking spaces, potentially further exacerbating the existing operational parking needs.

Site Grading and Drainage

“C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage.”

Matters raised at the LPAT Hearing concerned the impact of the addition on external site runoff and the structural integrity of the retaining wall. A Drainage Analysis Memo prepared by IBI Group, signed by John Iezzi, P. Eng., dated November 11, 2018 concluded that:

- The addition does not increase the quantity of storm water runoff compared to the previous impervious conditions of the hard-surfaced rear yard;
- Runoff from the addition discharges to grade at an existing catch basin; and,
- The footing design will distribute structural loads below the retaining wall and will not transfer additional load onto the retaining wall.

Development Engineering has reviewed this submission and has no concerns with the above conclusions.

Based on the foregoing, the proposed amendment does not comply with the Urban Hamilton Official Plan (UHOP) as reducing the rear yard setback does not maintain the general intent and purpose of the UHOP and does not enhance the character of the existing neighbourhood.

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Hamilton Zoning By-law No. 05-200

The subject lands are currently zoned Community Commercial (C3) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” to Report PED20024. The recognized use is “Retail”, which is a permitted use in the C3 Zone.

The applicant is proposing modifications to the Community Commercial (C3) Zone for a reduction in the rear yard setback to recognize the illegal construction of the rear yard addition to the existing building, and to recognize legal non-conforming regulations respecting the existing bakery, including the existing accessory building (shed).

As noted above, the lands were rezoned from the “HH/S-725” (Community Shopping and Commercial, etc.) Zone, Modified, to the Community Commercial (C3) Zone through By-law No. 17-240. The existing buildings, including the principal and accessory buildings, are legal non-conforming as a result of the new Community Commercial (C3) Zone regulations and several of the proposed modifications are intended to legalize the existing building in the absence of a vacuum clause, which remains under appeal and is not final and binding.

The proposed modifications to the C3 Zone are discussed in greater detail in the Analysis and Rationale for Recommendation section of this Report.

RELEVANT CONSULTATION

Departments and Agencies		
	<ul style="list-style-type: none"> • Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department; • Transit Planning and Infrastructure, Transit Operations Division, Public Works Department; and, • Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department. 	No Comment
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	No concerns. The freezer addition does not increase the impervious area of the site in any way and directing the roof water leaders from the freezer to drain to the existing catch basin on the east side of the building will have no negative effect on the drainage of the property or the existing storm water relief system.	Noted.

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Forestry and Horticulture Section, Environmental Services Division, Public Works Department	There are municipal tree assets on site although it is determined that no impacts are anticipated, therefore a Tree Management Plan and Landscape Plan are not required.	Noted.
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Public Consultation

The applicant submitted a public consultation strategy in support of the application. The applicant noted that as the rear yard modification was already presented to the public through the Committee of Adjustment minor variance application, a neighbourhood meeting would not be necessary. Instead, the applicant proposed to meet with the Ward Councillor to discuss the Public Consultation Strategy to focus on objections raised from the adjacent property owners of Stonechurch Cooperative Homes Inc. to the north.

The owner has met with the residents of Stonechurch Cooperative Homes Inc. (Co-op) and has agreed to build a new fence and retaining wall; based on this agreement the applicant has advised that the concerns of the Co-op have been satisfied. The applicant has followed up with the Ward Councillor and has confirmed that no further public consultation will be required. Staff do note that if Planning Committee accepts staff’s recommendation to deny the Zoning By-law Amendment application, there currently is no mechanism to ensure that the above work is carried forward. However, should the Zoning By-law Amendment be approved staff recommend that a Holding provision be enacted to require a subsequent Site Plan Control application to ensure this work is carried out.

Notice of the Public Meeting was given by way of newspaper in accordance with the requirements of the *Planning Act*.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment cannot be supported for the following reason:
 - i) The proposed amendment does not comply with the Urban Hamilton Official Plan (UHOP) as reducing the rear yard setback does not maintain the general intent and purpose of the UHOP and would not be maintaining the character of the existing neighbourhood.

2. The applicant has requested Site Specific modifications to the Community Commercial (C3) Zone of Hamilton Zoning By-law 05-200 for lands located at

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630 Stone Church Road West, Hamilton. By way of this application, the applicant is seeking to recognize the rear yard freezer addition to an existing bakery, and recognize legal non-conforming regulations respecting the existing development.

Modifications to the C3 Zone requested to recognize the construction of the rear yard addition to the existing bakery include reductions to the Minimum Rear Yard and Permitted Yard Encroachments for the overhanging eaves.

As discussed in the Urban Hamilton Official Plan section of this report, staff are not in support of the proposal. While staff are satisfied that the rear yard freezer addition does not present noise or shadow concerns, the visual impact of the addition does not enhance the character of the existing environment. The addition is not in harmony with the surrounding developments, as the addition requires a significant reduction to the minimum rear yard from 7.5 m to 0.8 m and creates visual massing and overlook concerns from the adjacent dwellings. Based on its cumulative impact resulting from the minimal setback, increased height from the original building, and overall massing, the addition is not consistent or in harmony. The exterior finishing materials and roof line of the addition does not provide a consistent, orderly, or visually pleasing arrangement of parts with the existing building.

Therefore, staff recommends that the Zoning By-law Amendment Application be denied.

To recognize legal non-conforming regulations respecting the existing bakery, modifications to the C3 Zone would be required for:

- Accessory Buildings in Commercial and Mixed Use Zones for maximum gross floor area from 10 m² to 11 m²;
- Visual Barrier Requirement from 1.8 m to 1.7 m;
- Parking Location from 3.0 m from the street line to 0.9 m from the street line;
- Parking Space Sizes from 3.0 m by 5.8 m and 4.4 m by 5.8 m for barrier free parking spaces to 2.7 m by 5.5 m plus an abutting 1.9 m shared aisle for barrier free parking spaces;
- Parking Aisle Width from 6.0 m to 5.8 m;
- Location of Loading Facilities from not permitted in a required yard abutting a Residential Zone to permitted within the required easterly side yard;
- Minimum Number of Required Parking Spaces from 15 (including 1 barrier free space) to 13 (including 1 barrier free space);
- Building Setback from a Street Line from 4.5 m to 20.1 m;
- Minimum Interior Side Yard from 1.5 m to 1.1 m; and,

- Built Form for New Development to exempt the restriction prohibiting parking spaces and aisles between the building façade and the front lot line, and to exempt from requiring the principal entrance from having direct access from the public sidewalk.

Staff would be prepared to support these modifications. While these modifications would be required to recognize previously existing conditions, staff provides the following additional comments:

- The accessory building (shed) was legally existing prior to the current Zoning By-law coming into effect. It has a gross floor area of 10.5 m², whereas a maximum of 10.0 m² is permitted to be located in a required rear yard.
- Regarding the Building Setback from a Street Line, it is important to note that section 4.12 f) Vacuum Clause for Commercial and Mixed Use Zones would deem the building to comply with setback regulations, however, this provision of amending By-law 17-240 remains under appeal and is not final and binding.

ALTERNATIVES FOR CONSIDERATION

- 1) Should the application be approved, staff be directed to prepare an amending Zoning By-law consistent with the concept plans proposed. To address the compatibility concerns raised in this report, a Holding provision should be enacted to require a subsequent Site Plan Control application.
- 2) Council could direct staff to negotiate revisions to the proposal with the applicant in response to the issues and concerns identified in this Report and report back to Council on the results of the discussion.
- 3) Should the application be denied, the illegally constructed freezer addition would need to be removed for the property to conform to the Community Commercial (C3) Zone.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and 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.

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Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Concept Plan

Appendix “C” – Committee of Adjustment Minor Variance Application No. H/MA-17:127

Appendix “D” – Local Planning Appeal Tribunal (Formerly OMB) Case No. PL170710

TV:mo