



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton (PED23063) (Ward 6)
WARD(S) AFFECTED:	Ward 6
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-19-035, by Mafe Ontario Inc. and 2688183 Ontario Inc. (Owner)**, for a change in zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone to permit business support uses as well as to establish a standard parking rate, on lands located at 1557 and 1565 Rymal Road East and 694 Pritchard Road, as shown on Appendix "A" attached to Report PED23063, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED23063, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan (UHOP).

EXECUTIVE SUMMARY

This application proposes to change the zoning of the subject lands from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone. The (M4) Zone permits a broad range of uses that support the businesses and employees of the surrounding employment area, including financial establishments, medical clinics, personal services, and limited retail. One zoning modification is required to implement a standard parking rate for all uses permitted in the (M4) Zone.

The regulations and urban design standards (e.g. maximum height, minimum yard depths, landscaped area requirements, etc.) of the Business Park Support (M4) Zone are consistent with the existing Prestige Business Park (M3) Zone and will continue to apply to the site. In addition, the site is appropriately designated in the Urban Hamilton Official Plan (UHOP) and is the subject of Site Plan Control Application DA-21-160.

The proposal has merit and can be supported as it is consistent with the PPS (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent of the UHOP. The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community through the addition of a limited range of strategically located supportive commercial uses for employees and businesses within the Employment Area where there is a determined need, making efficient use of land and existing infrastructure and satisfying the criteria for supportive commercial uses in Employment Areas as set out in the UHOP.

Alternatives for Consideration – See Page 17

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.

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HISTORICAL BACKGROUND

Application Details	
Owner:	Mafe Ontario Inc. and 2688183 Ontario Inc. (c/o Anthony Magnini)
Applicant/Agent:	A.J Clarke and Associates Ltd. (c/o Liam Doherty)
File Number:	ZAC-19-035
Type of Application:	Zoning By-law Amendment
Application Details	
Proposal:	To permit a broader range of permitted uses that support the businesses and employees of the surrounding employment area, including medical clinics, personal services, and limited retail.
Property Details	
Municipal Address:	1557 and 1565 Rymal Road East and 694 Pritchard Road, Hamilton.
Lot Area:	±0.97 ha (Irregular).
Servicing:	Full municipal services.
Existing Use:	1557 Rymal Road East Vacant lands. 1565 Rymal Road East and 694 Pritchard Road Existing Motor Vehicle Service Station with Accessory Retail and Retail.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Employment Area” along a “Secondary Corridor” on Schedule E – Urban Structure and “Business Park” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Zoning Existing:	Prestige Business Park (M3) Zone

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Documents	
Zoning Proposed:	Business Park Support (M4, 839) Zone
Modifications Proposed:	The following modification to the Business Park Support (M4) Zone is required for the development: <ul style="list-style-type: none"> • Parking shall be a minimum of one space for each 30.0 square metres of gross floor area.
Processing Details	
Received:	May 8, 2019.
Deemed complete:	May 21, 2019.
Notice of Complete Application:	Sent to 18 property owners within 120 metres of the subject property on May 28, 2019.
Public Notice Sign:	Posted May 30, 2019 and updated with public meeting date on February 22, 2023.
Notice of Public Meeting:	Sent to 15 property owners within 120 metres of the subject property on March 3, 2023.
Public Consultation:	The strategy follows the City's circulation and public notice sign posting, with an option for a supplemental letter from the proponent to further explain the proposal and seek feedback.
Public Comments:	No comments have been received as of the writing of this report.
Revised Submissions Received:	<ul style="list-style-type: none"> • December 22, 2020; • July 21, 2021; • August 20, 2021; and, • February 4, 2022.
Processing Time:	1,413 days from date of receipt of initial application, and 410 days from receipt of final submission.

Previous Site Plan Applications

The applicant received final approval of Site Plan Control Application DA-20-025 on October 15, 2021 which developed the southeast portion of the lands along Rymal Road East and Pritchard Road in accordance with the Prestige Business Park (M3) Zone. The applicant received approval for the construction of a motor vehicle service station with accessory retail (six post gas pump and canopy) and two storey office building.

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In addition, the applicant has also applied for Site Plan Control application DA-21-160 for the remainder of the subject lands. Both registered parcels of land are in the same name and title and therefore are deemed to be one lot in accordance with the consolidated lot provisions of the Zoning By-law. This second phase of development will consolidate irregular shaped lots for comprehensive development.

The application received conditional site plan approval on January 18, 2022. Conditional approval was granted on the basis of the existing Prestige Business Park (M3) zoning regulations. Approval of this Zoning By-law Amendment application will permit a broader range of permitted uses including medical clinics, personal services, and limited retail.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Lands:	1557 Rymal Road East: Vacant Lands	Prestige Business Park (M3) Zone
	1565 Rymal Road East and 694 Pritchard Road: Motor Vehicle Service Station	

Surrounding Land Uses:

North	Warehousing: Outdoor Storage Yard	Prestige Business Park (M3) Zone
South	Place of Worship	Prestige Business Park (M3, 369) Zone
East	Vacant, Single Detached Dwelling: Industrial, and, Utility Transmission (Tower)	Prestige Business Park (M3) Zone
West	Building or Contracting Supply Establishment	Prestige Business Park (M3) Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Framework

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement PPS (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) 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. Matters of provincial interest (e.g. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

As the application for a Zoning By-law Amendment complies with the Official Plan, it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the Provincial Policy Statement (PPS, 2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Secondary Corridor" on Schedule E – Urban Structure and designated "Business Park" on Schedule E-1 – Urban Land Use Designations. The following policies, amongst others, apply to the proposal. The application was received and deemed complete prior to Ministerial approval of Official Plan Amendment No. 167. The applicant has confirmed that this application is to be reviewed under the UHOP policies currently in effect, as amended by OPA No. 167.

Cultural Heritage

"B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:

- a) Protect and conserve the tangible *cultural heritage resources* of the City, including *archaeological resources*, *built heritage resources*, and *cultural heritage landscapes* for present and future generations."

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

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential.

Stage 1, 2 and 3 archaeological reports (P255-0008-2018, P321-0069-2019, P244-0154-2019 and P321-0191-2020) have been submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. While the Provincial interest has yet to be signed off by the Ministry for Stage 3, staff concur with the recommendations made in the report, and the archaeology requirement for the subject application has been met to the satisfaction of staff. Staff request a copy of the letter from the Ministry when available.

Hazard Lands

- “B.3.6.5.1 The City shall reduce the risk to its residents or potential for public cost from natural hazards.
- B.3.6.5.2 Hazard lands include hazardous lands and hazardous sites.
- B.3.6.5.3 Hazard lands are identified, mapped, and regulated by the Conservation - Authorities. Boundaries of most hazard lands are determined by the appropriate Conservation Authority.
- B.3.6.5.4 Hazard lands shall be placed in a separate zoning classification in the Zoning By-law.”

Based on the Upper Hannon Creek Master Drainage Plan Municipal Class Environmental Assessment (AECOM, October 2017), several karst features were identified within the vicinity of the subject properties. A Karst Assessment was prepared by Terra-Dynamics Consulting Inc. (May 9, 2020) in support of the Site Plan Control application DA-20-025. The Karst Assessment noted that no natural karst hazards appear to be present. As a result, it is appropriate to retain the employment lands zoning on the entirety of the subject lands.

Linkages

- “C.2.2.2 The boundaries of *Core Areas* and *Linkages*, shown on Schedule B - Natural Heritage System, are general in nature. Minor refinements to such boundaries may occur through Environmental Impact Statements, *watershed* studies or other appropriate studies accepted by the City without an amendment to this Plan. Major changes to boundaries, the removal or addition of *Core Areas* and *Linkages* identified on Schedule B - Natural Heritage System and Schedules B-1-8 – Detailed Natural Heritage Features require an amendment to this Plan.
- C.2.7.3 The City shall require the incorporation of Linkages into a design of new development requiring approval by this Plan to retain and enhance the cultural, aesthetic, and environmental qualities of the landscape, wherever possible and deemed feasible to the satisfaction of the City.”

Schedule B – Natural Heritage System of the UHOP identifies a Linkage within the subject lands. Through review of previous Site Plan Control applications (DA-16-134 and DA-20-025) for the subject properties, it was determined that due to the current site conditions of the subject lands and the lands to the north, natural landscape and vegetation do not exist within this area and that the movement of wildlife and plants was disjointed (adjacent to major roadways including Rymal Road East and Upper Red Hill Valley Parkway) and as such the Linkage function does not exist within this area and Planning staff determined that a Linkage Assessment was not required with those applications because 694 Pritchard Road is located directly adjacent to Rymal Road, the Red Hill Expressway extension and Highland Road and as such wildlife and plant movement is disjointed within this area. Minor refinements to the boundaries of the Linkage do not require an amendment to the UHOP. Removal of the Linkage identification in Schedule B of the UHOP within the subject lands to reflect staff’s determination will be addressed through future housekeeping amendments.

Tree Management

- “C.2.11.1 The city recognizes the importance of trees and woodlands to the health and quality of life in our community. The city shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

A Tree Protection Plan, prepared by Kuntz Forestry Consulting Inc., dated June 4, 2019 and revised January 9, 2020, was reviewed with respect to the Site Plan Control application DA-20-025 (which received final approval on October 15, 2021) for the lands known municipally as 1565 Rymal Road East and 694 Pritchard Road. The Tree Protection Plan identified the removal of trees from the lands municipally known as

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1557 Rymal Road East, which is the subject of Site Plan Control application DA-21-160. A total of 56 trees and one tree polygon (grouping of trees) were inventoried on these properties, of which 53 trees were proposed to be removed to facilitate the proposal. Since the preparation of the Tree Protection Plan, all 53 trees have been removed from the subject lands. To ensure existing tree cover is maintained, the City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is removed from private property, with said compensation to be identified on the Landscape Plan. Compensation is required for 53 trees. Compensation will occur by a combination planting for the proposal on site and a cash-in-lieu payment, which will be addressed through Site Plan Control application DA-21-160.

Employment Area – Business Park Designation

- “E.2.8.2 Employment Areas shall provide employment through a broad range of uses, including traditional industrial uses, research and development uses, and other uses. Uses which support the businesses and employees of the employment area shall be permitted. Major retail uses or residential uses shall not be permitted. The permitted uses shall be described in more detail in Section E.5.0 – Employment Area Designations.
- E.2.8.3 Employment Areas shall provide for a diverse range of employment opportunities in proximity to the City’s major infrastructure including the Port, the Airport, and the highway and transit network. It is important to provide a range of opportunities in order to meet the varying locational and market requirements for businesses including regionally significant industries.
- E.5.4.1 The range of employment uses allows for a wide variety of industrial activity and accommodates employment support uses, such as offices, that will foster the development of a prestige employment area. The Employment Area – Business Park designation applies to the City’s business parks, excluding the Airport Business Park, identified on Schedule E-1 – Urban Land Use Designations.
- E.5.4.3 The following uses may be permitted on lands designated Employment Area – Business Park on Schedule E-1 – Urban Land Use Designations, in accordance with the Zoning By-law: (OPA 109)
- a) Manufacturing, warehousing, repair service, building or contracting supply establishments, building and lumber supply establishments, transportation terminals, research and development, office, communication establishment, and private power generation.

Salvage yards and other uses which are unsightly or otherwise incompatible with the design policies and image for business parks shall be prohibited;

- b) Uses which primarily support industry, including labour association halls, conference and convention centres, trade schools, commercial motor vehicle and equipment sales, and commercial rental establishments;
- c) Ancillary uses which primarily support businesses and employees within business parks, including hotels, health and recreational facilities, financial establishments, restaurants, personal services, motor vehicle service stations and washing, retail establishments, and commercial parking facilities;
- d) Limited agricultural uses including only a cannabis growing and harvesting facility, a greenhouse and an aquaponics facility; (OPA 23) (OPA 112)
- e) Waste processing facilities and waste transfer facilities; and,
- f) Accessory uses, such as limited retail and office.

E.5.4.4 In addition to Policy E.5.4.3 c), ancillary uses may be permitted within the Employment Area provided the following conditions are met:

- a) The uses shall be determined through the Zoning By-law in accordance with the policies of this Plan;
- b) Notwithstanding Policy E.5.4.4 a), the Zoning By-law may:
 - i) Permit a limited number of restaurants where a need for the use can be justified; and,
 - ii) Restrict or limit the number of ancillary uses from occupying Employment Areas.
- c) The need for the uses to support the businesses and employees within the Employment Area has been determined;
- d) The uses shall only be located along the exterior of the Employment Area and should generally be located at intersections of arterial or collector roads; and,

- e) Where possible, the uses should be clustered on single sites to limit the impact on the supply of developable lands for use permitted in Policy E.5.4.3 a). (OPA 109)”

Employment Areas are to be preserved for employment-type uses. As provided above, a wide range of employment uses are permitted throughout the Employment Areas, with some limited support commercial uses permitted at strategic locations within the Business Parks. The range of permitted ancillary and accessory commercial uses in Industrial Zones has been restricted in the Zoning By-law in accordance with these UHOP policies, which is further detailed below in the Scale and Design section of this Report. The Prestige Business Park (M3) Zone is applicable and permits a range of light industrial, office, and research and development uses. The Business Park Support (M4) Zone has been applied to the exterior of business parks and permits the same range of industrial and employment uses as the (M3) Zone, as well as ancillary uses which are designed to support the businesses and employees of the employment area. It is important to note that major retail and residential uses are not permitted.

It was not intended that the (M4) Zone be widely used in Business Parks, but that the (M4) Zone would be applied in locations that would serve businesses and employees within the Business Parks. The subject lands are located at the intersection of two major roads (Rymal Road East and Pritchard Road). In review of the criteria as set out in Policy E.5.4.4 c) to e), staff note:

- The proposed additional uses of financial establishment, medical clinic, personal services, and limited retail will support existing local businesses, industries and employees of the Upper Red Hill Valley Parkway area;
- The applicant has provided supplemental market analysis, prepared by PureRealty Brokerage dated February 9, 2023, to demonstrate that the specific demand and market for supportive commercial uses to locate within the business park for the express purpose of offering services catering towards potential clients from existing and planned businesses and the workforce located within the business park, particularly for medical and financial services, exists. A review of the market indicates very limited opportunity for those uses in the Rymal Road East and Pritchard Road corridor and that the demand for these uses cannot be met within the nearby commercially zoned lands as they offer exclusive and premium space targeted towards the general public;
- The proposed development will consolidate irregular shaped lots for comprehensive development allowing for coordinated development which has been designed to the scale and function of the Business Park designation;
- The regulations of the (M4) Zone limit the scale of office and retail uses as prescribed by the policies of Section E.5.4.5 of the UHOP. These zoning regulations will provide a basic framework for future development of the site and

serve to implement the scale and design policies of the UHOP during the Site Plan Control stage; and,

- The subject lands are a corner property located along a Secondary Corridor, a designated Major Arterial road, and in proximity to the intersection of Upper Red Hill Valley Parkway, a designated Major Arterial road.

Based on the foregoing, staff are of the opinion that the subject criteria have been met.

Scale and Design

- “E.2.8.5 Smaller scale office buildings shall be permitted within all Employment Areas; however, they shall be restricted in function and scale.
- E.2.8.6 Employment Areas shall be planned and designed to be easily accessible by a range of transportation modes including the automobile, transit, and active transportation.”
- E.5.4.5 Offices within the Employment Area – Business Park designation shall comply with the following criteria:
- a) Offices are prestige business park uses and shall generally be located along the exterior of employment areas at intersections of arterial or collector roads. (OPA 167)
 - b) Offices shall be restricted in function, scale and type and shall be limited in size through the Zoning By-law. (OPA 167)
 - c) Offices shall be limited to less than 4,000 square metres per free standing building. (OPA 167)
 - d) Deleted by OPA 167.
- E.5.4.6 Retail establishments shall serve the businesses and employees of the Employment Area, shall be limited to 500 square metres of gross floor area per lot, and shall only be permitted where the supporting uses for the business park are permitted by Policy E.5.4.4. (OPA 142)
- E.5.4.7 (a) New *development* and *redevelopment* of existing sites shall contribute to a quality image for the business park by incorporating quality building and landscaping designs in those areas adjacent to and visible from public roads, and by complementing the landscape qualities of adjacent sites.

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E.5.4.7 (d) A range of compatible employment uses shall be encouraged to locate adjacent to lands designated Neighbourhoods, Institutional or Commercial and Mixed Use. Outdoor storage, assembly and loading areas shall be appropriately located and buffered from these adjacent lands.”

The UHOP contains policies which limit the function, scale and type of office uses and the location and scale of ancillary retail uses. The Business Park Support (M4) Zone has requirements that implement the above noted policies through the requirement of a Minimum Lot Area of 4,000 m² and a Maximum Gross Floor Area of 500 m² for an individual retail establishment. Further, the (M4) Zone contains the same regulations and urban design standards as those required in the Prestige Business Park (M3) Zone. The specific site planning details required per UHOP Policy E.5.4.7 are being addressed through the review of conditionally approved Site Plan Control application DA-21-160 (refer to Concept Plan attached as Appendix “D” to Report PED23063).

The proposal provides for a range of uses that are suitable for transition from general industrial uses to the west. The proposal provides for an expanded range of economic opportunities in proximity to Upper Red Hill Valley Parkway and will encourage multi-modal transport that supports industry locational and market requirements.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan.

Hamilton Zoning Bylaw No. 05-200

The subject property is currently zoned Prestige Business Park (M3) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED23063.

The Prestige Business Park (M3) Zone permits a range employment uses, including but not limited to manufacturing, warehousing, offices, commercial vehicle or equipment repair services, sales and rentals, restaurants, hotels, and conference and convention centres.

To permit a broader range of uses that support the businesses and employees of the surrounding employment area, including medical clinics, personal services, and retail, an amendment to the Zoning By-law is required to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone. The (M4) Zone includes the same regulations and urban design standards as required in the existing (M3) Zone. Regulations requiring minimum setbacks for manufacturing uses from sensitive land uses also apply. The proposed zoning is discussed in the Analysis and Rationale section of this Report, and an evaluation of the proposed modification to the (M4) Zone is included in Appendix “C” attached to Report PED23063.

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RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Landscape Architectural Services, Strategic Planning, Public Works Department 		No Comment
Department	Comment	Staff Response
Development Engineering Approvals Section, Planning and Economic Development Department	Development Engineering Approvals Section has no concerns with this Zoning By-Law Amendment application. All grading, servicing, stormwater management, and other engineering comments relating to this site have been reviewed and approved or in the process of being reviewed in the related Site Plan Control Applications DA-20-025 and DA-21-160.	Noted.
Transportation Planning, Planning and Economic Development, Department	<p>Transportation Planning reviewed the submitted Transportation Impact Study document which is approved.</p> <p>Transportation Planning does not support a full moves driveway access onto Rymal Road East. The proposed access onto Rymal Road East will be limited to right-in-right-out movements only with the extension of the concrete median on Rymal Road East to improve safety and reduce potential conflicts within the surrounding area.</p> <p>No further land dedication is required along the frontage of 1557 and 1565 Rymal Road East and 694 Pritchard Road.</p>	The detailed design of the right-in-right-out access and median extension along Rymal Road East is being reviewed through Site Plan Control Application DA-21-160.

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Department	Comment	Staff Response
Hamilton Conservation Authority	Staff are supportive of the application with further review of the Stormwater Management Report, Erosion and Sediment Control Plan, Grading Plan and Site Servicing will occur through the Site Plan Control Application.	The Stormwater Management Report, Erosion and Sediment Control Plan, Grading Plan and Site Servicing will be reviewed in detail through Site Plan Control Application DA-21-160.
Forestry and Horticulture, Public Works Department	There are no municipal tree assets on site; therefore, a Tree Management Plan is not required. A Landscape Plan is required.	The Landscape Plan will be addressed in detail through Site Plan Control Application DA-21-160.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	The applicant will need to confirm if tenure for the subject proposal will be a Condominium. The proposed addressing for this development will be determined after conditional Site Plan approval has been granted.	These matters will be addressed at the future Draft Plan of Condominium stage (if required) and addressed in detail through Site Plan Control Application DA-21-160.
Waste Management Division, Public Works Department	The development is not serviceable as the development will exceed the allowable garbage container limit as outlined in the City's Solid Waste Management By-law No. 20-221. In addition, Building "E" is a four storey office building which is not eligible to receive municipal waste collection according to the City's Solid Waste Management By-law No. 20-221.	The applicant will address private waste haulage in detail through Site Plan Control Application DA-21-160.
Alectra	Advises that the relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense and that Alectra should be contacted in order to facilitate this work and that the Applicant shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.	The applicant will address utility servicing in detail through Site Plan Control Application DA-21-160.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 18 property owners within 120 m of the subject property on May 28, 2019.

A Public Notice Sign was posted on the property on May 30, 2019, and updated on February 22, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on March 3, 2023, in accordance with the requirements of the *Planning Act*.

The applicant submitted a Public Consultation Strategy with their Planning Justification Report. The strategy follows the City's circulation and public notice sign posting, with an option for a supplemental letter from the proponent to further explain the proposal and seek feedback. No comments were received by either the applicant or City staff and it was determined that further consultation was not required.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) (PPS);
 - (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iii) It complies with the Urban Hamilton Official Plan; and,
 - (iv) It is compatible with and complementary to the existing surrounding proposed development and represents good planning by, among other things, providing for the development of a range of employment uses and opportunities, making efficient use of land and existing infrastructure within the urban boundary while protecting existing, future, and planned employment uses in the area.

2. Zoning By-law Amendment

The subject lands are located on the northwest corner of the intersection of Rymal Road East and Pritchard Road. The proposal is for a Zoning By-law Amendment to change the zoning from the Prestige Business Park (M3) Zone to the Business Park Support (M4, 839) Zone to permit a broader range of industrial activities and employment support uses to serve the businesses and employees

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of the surrounding business park and minimize vehicle trips. These additional uses include:

- Medical clinic (limited to a maximum of 3,000 m² per lot);
- Personal services;
- Retail (limited to a maximum of 500 m² per establishment); and,
- Financial establishments.

The requested change in zoning provides for four additional uses being sought (financial establishment, medical clinic, personal services and retail). The intent of the (M4) Zone is to permit a limited range of commercial uses which are designed to support employees and businesses within the Employment Area in addition to the same range of employment uses. These additional requested uses function as supportive uses to the predominant employment uses and are therefore in keeping with the intent of the Official Plan.

The implementing by-law proposes a modification to the (M4) Zone, which is discussed in Appendix “C” attached to Report PED23063.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could be developed in accordance with the Prestige Business Park (M3) Zone.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED23063 – Location Map

Appendix “B” to Report PED23063 – Draft Zoning By-law Amendment

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Appendix "C" to Report PED23063 – Zoning Modification Table
Appendix "D" to Report PED23063 – Concept Plan

MF:sd