



Hamilton

**STAFF COMMENTS**

**HEARING DATE: February 13, 2024**

GL/B-23:93 – 3530 Upper James Street, Glanbrook

**Recommendation:**

Development Planning - Table

**Proposed Conditions:**

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the City corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. That the Owner must provide separate independent sewer and water services to the severed and retained parcel to the satisfaction of the City's Director of Development Engineering.
5. That the Owner provide a cash payment for the future urbanization of Upper James Street based on the "New Roads Servicing Rate" at the time of payment to the satisfaction of the Director of Development Engineering.
6. The existing right-of-way at along White Church Road ranges approximately 20.0 metres to 25.4 metres.

Approximately 5.0 metres are to be dedicated to the right-of-way on White Church Road to bring the property line up to 25.4 metres, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. White Church Road is to be 30.480 metres.

A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s) (To the satisfaction of the Manager of Transportation Planning).

**Proposed Notes:**

The lands to be retained (Lot 1) will remain as 3530 Upper James Street (Glanbrook).



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The lands to be severed (Lot 2) will be assigned the address of 9048 White Church Road West (Glanbrook).

We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.



**Development Planning:**

**Background**

The purpose of this application is to sever the existing vacant lot into two parcels. The severed lands are proposed for future vacant residential development and the retained lands will be a vacant commercial building lot.

	<b>Frontage</b>	<b>Depth</b>	<b>Area</b>
<b>SEVERED LANDS:</b>	56.90 m±	126.59 m±	1.35 ha±
<b>RETAINED LANDS:</b>	75.14 m±	126.59 m±	1.05 ha±

Background:

On November 23, 2023, Site Plan Control application DA-23-062 was conditionally approved to develop a one storey drive-through restaurant on the subject lands with a ground floor area of 414.0 square metres, and a two storey commercial plaza at the intersection of Upper James Street and White Church Road West, with 1,912.0 square metres of at grade retail space and 416.66 square metres of office space on the second storey. The development will occur in two phases.

Urban Hamilton Official Plan:

The retained lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “District Commercial” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and designated “District Commercial” on Map B.5.4-1 of the Mount Hope Secondary Plan.

The severed lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan and designated “Institutional” on Map B.5.4-1 of the Mount Hope Secondary Plan.

The following policies, amongst others, are applicable:

F.1.14.3 Lot Creation – Urban Area Neighbourhoods Designation

F.1.14.3.1 Consents for new lot creation, for both the severed and retained lands, for residential uses in the Neighbourhoods designation shown on Map E-1 – Urban Land Use Designation, shall be permitted provided the following conditions are met:



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- a) The lots comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing Neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- d) The lots reflect the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road.”

Policy B.3.6.3.7 of the Urban Hamilton Official Plan requires that a noise feasibility study, or detailed noise study, or both, shall be submitted as determined by the City prior to or at the time of application submission, for development of residential or other noise sensitive land uses on lands within 400 metres of a major arterial road, as identified on Schedule C – Functional Road Classification. Upper James Street and White Church Road East area is identified as Major Arterial Roads. Accordingly, a Noise Study is required and is recommended to be included as a condition of approval.

Archeology:

The subject property meets three of the ten criteria used by the City of Hamilton and Ministry of Citizenship and Multiculturalism 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; and
- 3) Along historic transportation routes.

These criteria/this criterion define/s 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.

As part of previous application (DA-23-062), A Stage 1-2 (P1078-0096-2020/P1078-0100-2020) and Stage 3 archaeological report (P1106-0009-2021) has been submitted to the City of Hamilton and the Ministry of Citizenship and Multiculturalism. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of municipal heritage planning



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staff. **Staff request a copy of the letters for the Stage 1-2 and Stage 3 Reports from the Ministry when available.**

City of Hamilton Zoning By-law No. 05-200:

The retained lands are within the District Commercial (C6) zone, which permits the proposed commercial use. The proposed front lot line and the flankage lot line do not conform to the C6 Zone.

The severed lands are within the Deferred Development “DD” Zone, which permits agricultural uses and prior existing dwellings. Secondary Plan Amendment and Zoning By-law Amendment applications are required to facilitate residential development on the severed lands. Staff are not opposed to the creation of the severed lot as the proposed lot boundaries conform with the Mount Hope Secondary Plan and Zoning By-law boundaries, where development may proceed through future *Planning Act* applications.

**Analysis**

As per the Urban Hamilton Official Plan, F.1.14.3.1.c), the lots should be in conformity with the Zoning By-law, or a minor variance must be approved. There are zoning deficiencies for the front lot line and the flankage lot line on the retained lands. The applicant has recently submitted a Minor Variance application for the next available Committee of Adjustment Hearing. Staff recommend this application be tabled until the Minor Variance can also be assessed.

**Zoning:**

Recommendation:	Comments and Conditions / Notes
Comments:	<ul style="list-style-type: none"> <li>- The lands being retained are currently zoned ‘C6’ of Hamilton Zoning By-law 05-200 and the lands being severed are currently zoned ‘DD’ of Glanbrook Zoning By-law 464.</li> <li>- The owner/applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Legislated Approvals and Staging of Development Section of the Planning and Economic Development Department prior to the issuance of a building permit.</li> <li>- These lands are subject to Site Plan Control Application.</li> </ul>

**Development Engineering:**

Recommendation:	Approve with Conditions
Proposed Conditions:	1. That the Owner must provide separate independent sewer and water services to the severed and retained parcel to the satisfaction of the City’s Director of Development Engineering.



	2. That the Owner provide a cash payment for the future urbanization of Upper James Street based on the “New Roads Servicing Rate” at the time of payment to the satisfaction of the Director of Development Engineering.
Comments:	<ul style="list-style-type: none"> <li>Detailed grading and servicing review, comments and conditions will be provided under active site plan application DA-23-062.</li> <li>The proponent will be required to provide separate independent sewer and water services to the severed and retained parcels as specified under the new municipal sewer-use by-law 23-234.</li> </ul>

**Transportation Planning:**

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>The existing right-of-way at along White Church Road ranges approximately 20.0 metres to 25.4 metres.</p> <p>Approximately 5.0 metres are to be dedicated to the right-of-way on White Church Road to bring the property line up to 25.4 metres, as per the Council Approved Rural Official Plan: Schedule C-1 - Future Right-of-Way Dedications. White Church Road is to be 30.480 metres.</p> <p>A survey conducted by an Ontario Land Surveyor and at the Applicant’s expense will determine the ultimate dimensions for the right-of-way widening(s) (To the satisfaction of the Manager of Transportation Planning).</p>

**Building Engineering:**

Recommendation:	No comment.
Notes:	This Division has no concerns with the proposed application.

**Forestry and Horticulture:**

Recommendation:	Approve
Comments:	<p>There are municipal tree assets on site. Forestry will have conditions deferred to site plan application DA-23-062</p> <p>No public tree permit is required.</p> <p>No Landscape plan required</p>
Notes:	<p>Prior to a person performing any work on, in or around a public tree an application for a permit shall be submitted to Forestry. Email <a href="mailto:urbanforest@hamilton.ca">urbanforest@hamilton.ca</a> for questions or public tree permit application.</p>



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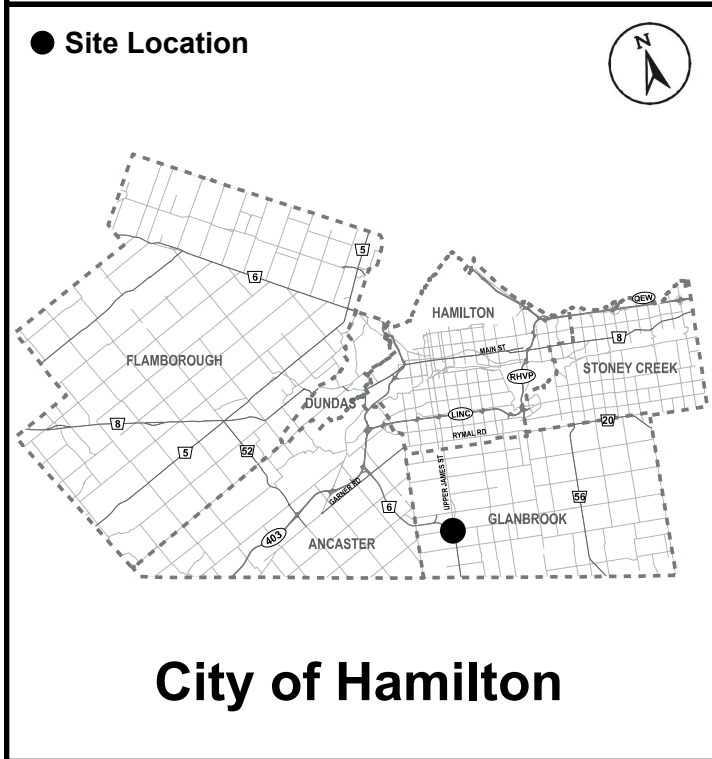
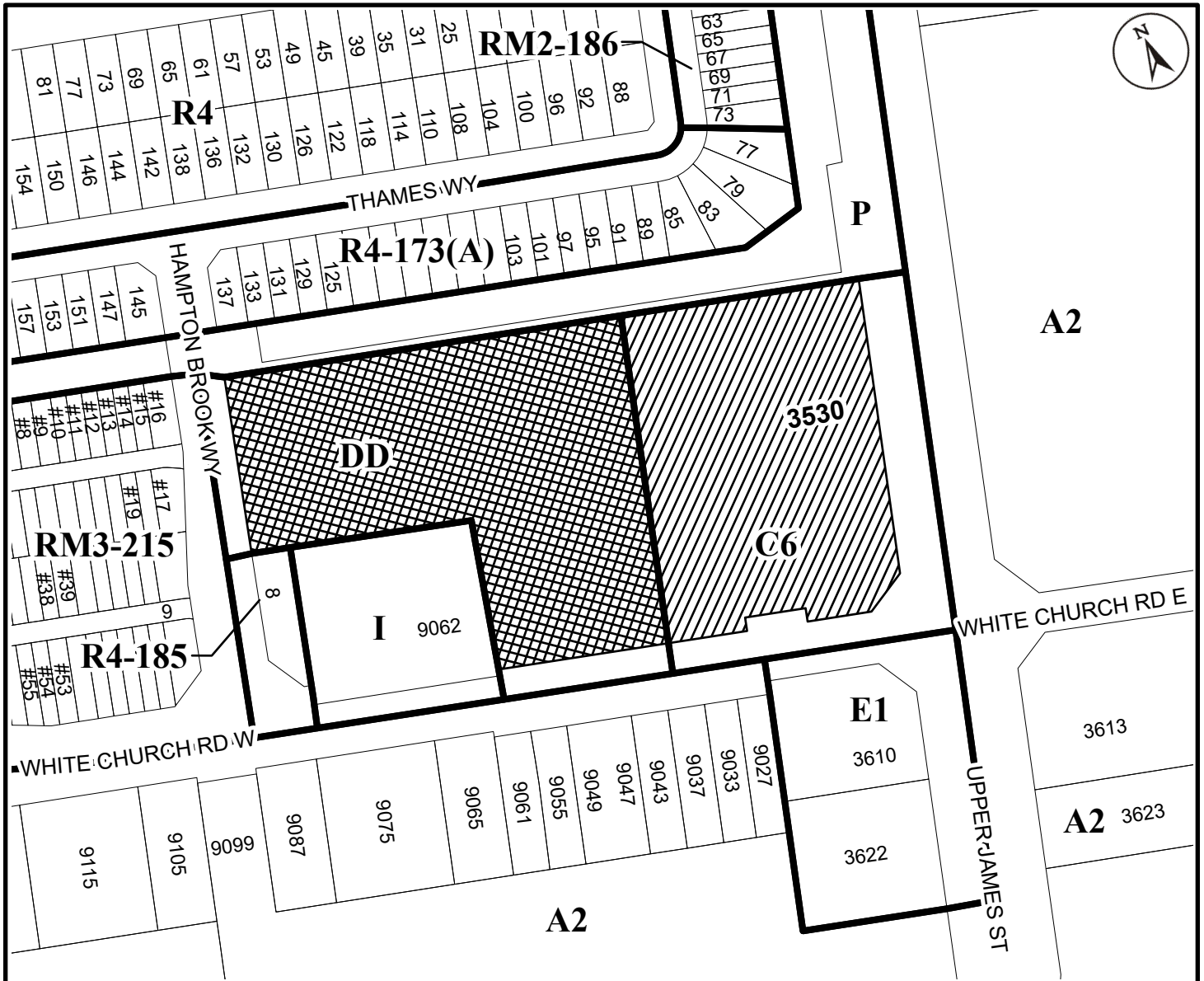
**STAFF COMMENTS**

**HEARING DATE: February 13, 2024**

**Legislative Approvals:**

Recommendation	Comments Only
Comments:	The lands to be retained (Lot 1) will remain as <b>3530 Upper James Street (Glanbrook)</b> . The lands to be severed (Lot 2) will be assigned the address of <b>9048 White Church Road West (Glanbrook)</b> .
Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

Please Note: Public comment will be posted separately, if applicable.



## Committee of Adjustment

<b>Subject Property</b> 3530 Upper James Street, Glanbrook (Ward 11)	File Name/Number: GL/B-23:93
	Date: February 1, 2024
	Technician: AL
	Map Not To Scale
	Appendix "A"

Lands to be Retained  
 Lands to be Severed

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PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT