



Hamilton

STAFF COMMENTS

HEARING DATE: April 23, 2024

A-24:53 – 541, 545, 557, 561, 573 & 577 Skinner Road, Flamborough

Recommendation:

Approve

Proposed Conditions:

Proposed Notes:



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Development Planning:

Background

To facilitate the development of a shopping centre consisting of six (6) commercial buildings; consisting of two restaurant buildings with drive-through facilities and four (4) multi-tenanted commercial buildings.

Analysis

Urban Hamilton Official Plan

The subject lands are designated “District Commercial” in Schedule E-1– Urban Land Use Designations within the Urban Hamilton Official Plan. Policies E.4.7.2, among others, are applicable and permit the use.

Waterdown South Secondary Plan

The subject site is further designated “District Commercial” and located in “Area Specific Policy – Area D” on Map B.4.3-1 within the Waterdown South Secondary Plan. Policy B.4.3.4.4, among others, are applicable and permit the use.

Archaeology:

Staff comments addressed as part of site plan DA-23-004

Cultural Heritage:

Staff comments addressed as part of site plan DA-23-004

Town of Flamborough Zoning By-law No. 90-145-Z

The subject site is zoned Urban Commercial “UC-14(H)” Zone, Modified, Holding, which permits the use.

Variance 1

1. A minimum of 693 parking spaces shall be permitted instead of the minimum 730 parking spaces required.

The intent of this provision is to provide sufficient parking for the use on the subject site.



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Staff note that the proposal has been reviewed comprehensively through the Site Plan Control application DA-23-004. Staff are of the opinion that the reduction in parking maintains the general intent of the By-law as sufficient parking will be provided for the use of the land. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area.

Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance.**

Variance 2

2. An outdoor commercial patio shall be permitted along the northerly lot line for the convenience restaurants municipally known as 573 and 577 Skinner whereas the Zoning By-law states that no outdoor commercial patio shall be permitted on a lot where any lot line abuts a Residential Zone.

The intent of this provision is to provide a distance separation between a residential land use and a commercial land use to limit impacts such as noise and light pollution.

Staff note that the location of the proposed patios are at the opposite side of the subject lands approximately 185 metres from the lot line that is adjacent to a residential zone. Staff further note that the proposed patios will be screened by the proposed buildings and planting strip. Staff are of the opinion that the variance maintains the general intent of the By-law as no noise or light pollution will impact the residential land uses from the proposed patios. Staff are of the opinion the variance is minor in nature and desirable for the development as no negative impacts are anticipated to the subject site or surrounding area.

Staff are of the opinion that the variance meets the four tests of a minor variance. Based on the foregoing, **staff support the variance.**

Zoning:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | <ul style="list-style-type: none"> • These variances are necessary to facilitate Site Plan Application DA-23-004. • This property abuts a Residential Zone along the southerly lot line. • The applicant shall ensure that the minimum required 15.0m setback is maintained from the CM-6 zone; otherwise further variances may be required. • Please note that these lands may be: - Regulated by a Conservation Authority; |



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| | <ul style="list-style-type: none"> - Located within or adjacent to an Environmentally Sensitive Area (ESA); - Designated under the Ontario Heritage Act; - Listed in the City of Hamilton’s Inventory of Buildings of Architectural and/or Historical Interest; and/or, - Included in the City of Hamilton’s Register of Property of Cultural Heritage Value or Interest. <p>Staff cannot confirm this information at this time and the applicant should make the appropriate inquiries in order to determine what other regulations may be applicable to the subject property.</p> <ul style="list-style-type: none"> • The use and operation of a restaurant business is subject to the issuance and maintenance of a municipal license from the Licencing Section of the Licensing and By-law Services Division. |
| Proposed Notes: | |

Development Engineering:

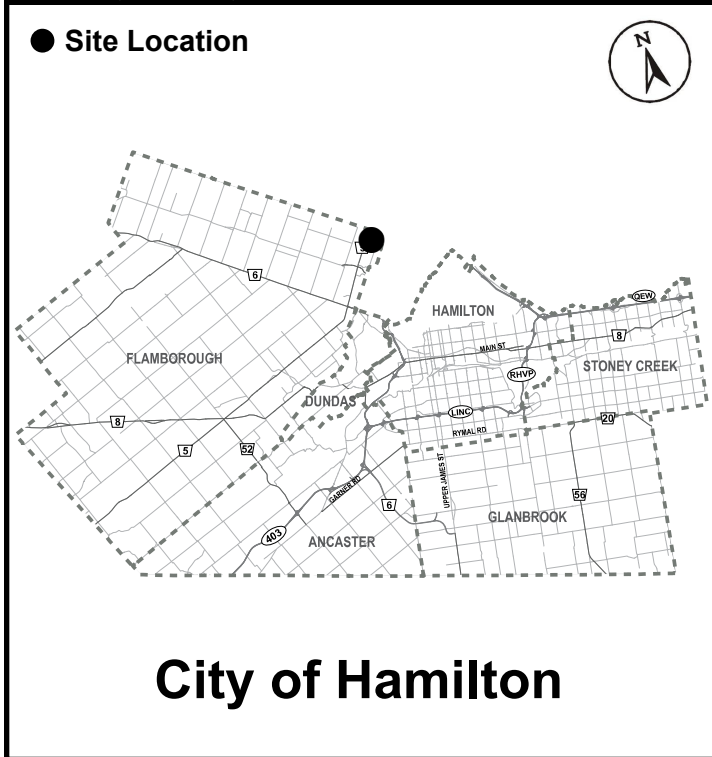
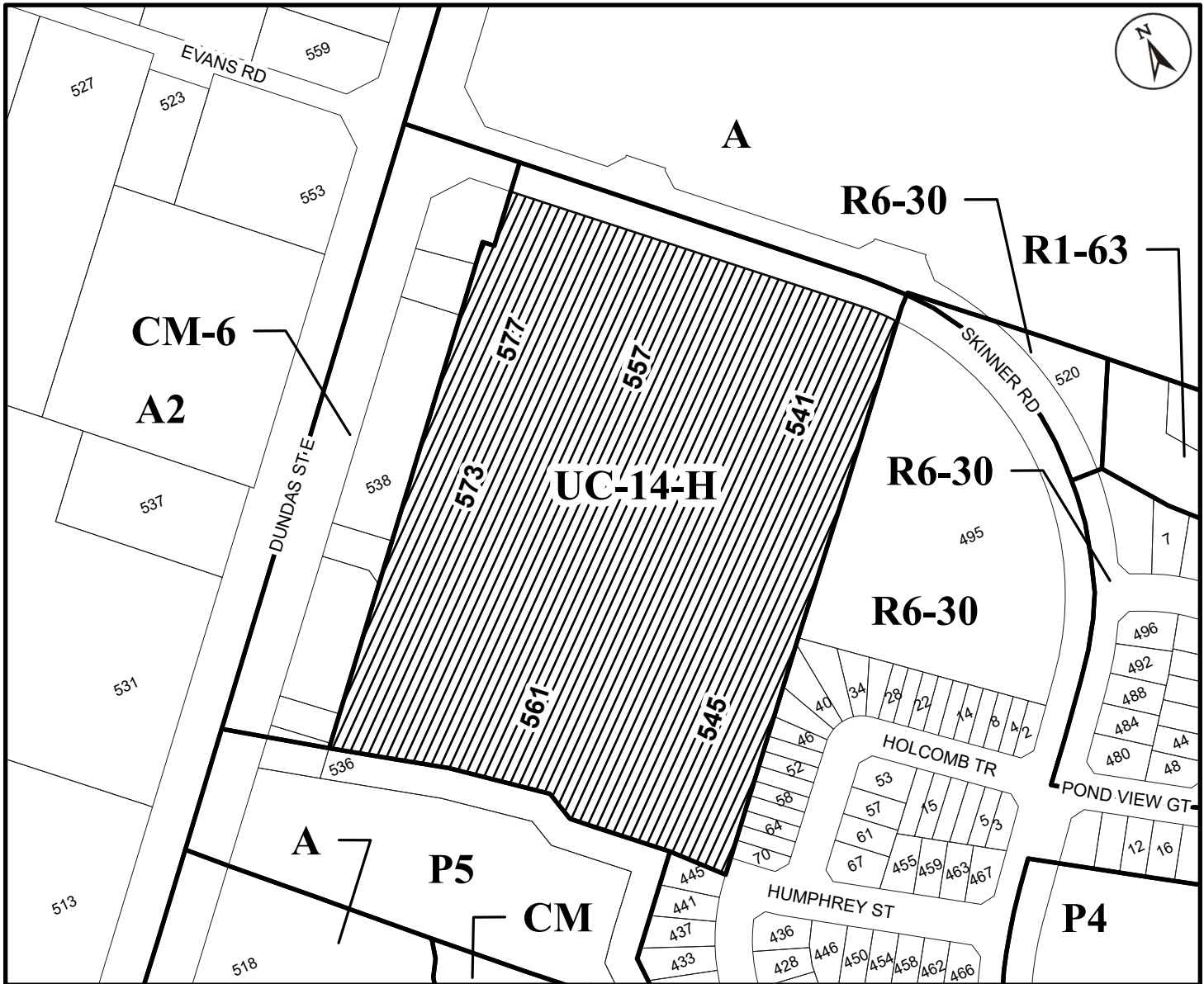
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| Recommendation: | No comments. |
| Proposed Conditions: | |
| Comments: | All drainage and grading issues/concerns will be addressed within the site plan control application (DA-23-004.) |
| Proposed Notes: | |

Building Engineering:

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| Recommendation: | Comments Only |
| Proposed Conditions: | |
| Comments: | |
| Proposed Notes: | <p>A building permit is required for the construction of the proposed shopping centre consisting of six commercial buildings.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p> |

Transportation Planning:

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| Recommendation: | No comments |
| Proposed Conditions: | |
| Comments: | |



Committee of Adjustment

Subject Property



541, 545, 557, 561, 573 & 577
Skinner Road, Flamborough
(Ward 15)

File Name/Number:

FL/A-24:53

Date:

April 10, 2024

Technician:

NB

Map Not To Scale

Appendix "A"



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