



CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 7
COMMITTEE DATE: August 8, 2011	
SUBJECT/REPORT NO: Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road East (Hamilton) (PED11138) (Ward 7)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Chris Bell (905) 546-2424, Ext. 1262
SIGNATURE:	

RECOMMENDATION:

- (a) That approval be given to **Official Plan Amendment Application OPA-11-003, by Oakwood Retirement Communities Inc., Owners**, for Official Plan Amendment No. [REDACTED], for a change in designation from “Commercial” and “Residential” to “Major Institutional”, on lands located at 1620 Upper Wentworth Street and 401 Rymal Road West (Hamilton), as shown on Schedule “A” of Appendix “C” to Report PED11138, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED11138, be adopted by City Council.
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

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- (b) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] for the re-designation of portions of the subject lands to “Neighbourhoods” from “District Commercial”, to be held in abeyance until the final decision has been made regarding the Urban Official Plan, for lands known municipally as 1620 Upper Wentworth Street and 401 Rymal Road East (Hamilton), as shown on Appendix “D” to Report PED11138.
- (c) That approval be given to **Zoning Application ZAC-11-009, by Oakwood Retirement Communities Inc., Owners**, for changes in zoning from the Designed Shopping Centre “G-1” Zone, the Urban Protected Residential “D” Zone, and “Major Institutional” (I3) Zone to the “Major Institutional” (I3, 43) Zone, Modified, to permit land use regulations to allow for the expansion of the “Villages of Wentworth Heights” Retirement Community, on lands located at 1620 Upper Wentworth Street and 401 Rymal Road West (Hamilton), as shown on Schedule “A” of Appendix “E” to Report PED11138, on the following basis:
- (i) That the draft By-law, attached as Appendix “E” to Report PED11138, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Hamilton upon finalization of Official Plan Amendment No. [REDACTED].

EXECUTIVE SUMMARY

The lands subject to this application consist of 2.1 hectares, located at the northwest corner of the intersection of Upper Wentworth Street and Rymal Road East, and are municipally known as 1620 Upper Wentworth Street and 401 Rymal Road East (Hamilton). The purpose of these applications is to re-designate and rezone the subject lands in order to provide policy to permit the expansion of a seniors continuum care community, and rezone the vacant portion of the subject lands to the “Major Institutional” (I3) Zone, together with site-specific modifications, to permit a retirement home/multiple dwelling with a maximum height of 36 metres. The portion of the subject lands on which the existing “Villages of Wentworth Heights” is situated is currently appropriately designated and zoned for its current use as a residential care facility for the aged.

The intent of these applications is to allow for the development of Phase II of the “Villages of Wentworth Heights”, which is proposed to consist of 188 retirement suites, 85 seniors apartments, as well as a health care clinic servicing the residents of the retirement home (but open to the public as well), together with 72 additional

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underground parking spaces and 151 surface parking spaces. Phase 1, which already exists on the northerly portion of the subject lands, consists of a 120-bed, long term care facility, and 40 surface parking spaces. The proposal is more particularly shown on the Concept Plan, attached as Appendix “B”.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, conforms with the Hamilton-Wentworth Official Plan, and maintains the general intent of the City of Hamilton Official Plan. The proposed development is also compatible with existing and planned development in the surrounding area.

Alternatives for Consideration - See Page 22.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for Amendments to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The 2.1 hectare parcel of land subject to these applications includes approximately 1.1 hectares of land currently occupied by the “Villages of Wentworth Heights” Retirement Community and 1.0 hectares of vacant land at the corner of Upper Wentworth Street and Rymal Road East.

The existing “Villages of Wentworth Heights” consists of a 120-bed, long term care facility, with a gross floor area of approximately 6,869 square metres and 40 surface parking spaces. The proponents are seeking amendments to the City of Hamilton Official Plan and Zoning By-law No. 05-200 to allow the expansion of the retirement community, which is proposed to additionally consist of:

- 188 retirements suites;
- 85 seniors apartments;
- An integrated seniors health care campus, including a health clinic;
- 72 underground parking spaces; and,
- 151 surface parking spaces.

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The owners have provided a concept plan illustrating the proposed final build-out of the property, which has been attached to this Report as Appendix “B”. In addition to the concept plan, the proponents have also submitted the following technical reports, plans, and studies to substantiate their application:

- **PLANNING JUSTIFICATION REPORT**, Welling Planning Consultants, February 2011;
- **FUNCTIONAL SERVICING REPORT**, MTE Consultants Inc., January 2011;
- **URBAN DESIGN BRIEF**, Cornerstone Architecture, January 10, 2011; and,
- **ENVIRONMENTAL NOISE ASSESSMENT REPORT**, MTE Consultants Inc., January 14, 2011.

The Official Plan Amendment is being sought to amend the land use designations found in the City of Hamilton Official Plan. The vacant portions of the subject property are proposed to be re-designated from “Commercial” and “Residential” to “Major Institutional” so that it will be consistent with the designation of the first phase of the retirement community. The Zoning By-law Amendment is seeking to amend the subject lands from the Major Institutional “I3” Zone, the Designed Shopping Centre “G-1/S1087” Zone, Modified, and the Urban Protected Residential “D” Zone, as found in Zoning By-law No. 6593, to a site-specific Major Institutional “I3” Zone, as found in By-law 05-200. The site-specific modifications are intended to implement the proponent’s concept plan and would include regulations to permit a maximum building height of 37 metres.

Chronology

- July 27, 1999 - The portion of the subject lands containing the existing Phase 1 of Wentworth Heights Retirement Community was re-designated to “Major Institutional” in the City of Hamilton Official Plan via OPA #159, and rezoned to Multiple Dwellings “E-2” in the City of Hamilton Zoning By-law 6593.
- April 7, 2000 - Building permits were issued for Phase 1 of the Wentworth Heights Retirement Community.
- March 28, 2007 - Portions of the new City of Hamilton Zoning By-law 05-200 were adopted, which rezoned the then-existing Phase 1 of the Wentworth Heights Retirement Community to Major Institutional “I3” Zone.
- February 2, 2011 - Submission of Applications ZAC-11-009 and OPA-11-003 by Oakwood Retirement Communities Inc.

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- February 24, 2011 - Applications ZAC-11-009 and OPA-11-003 are deemed complete.
- March 3, 2011 - Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-11-009 and OPA-11-003 to all residents within 120 metres of the subject lands.
- March 18, 2011 - Revised Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-11-009 and OPA-11-003 to all residents within 120 metres of the subject lands. This additional notice was provided to clarify that the lands at 401 Rymal Road East were also part of the application.
- June 3, 2011 - Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

Details of Submitted Application:

Location: 1620 Upper Wentworth Street and 401 Rymal Road East
(see Appendix "A")

Owner: Oakwood Retirement Communities Inc.

Applicant: Wellings Planning Consultants

Property Description: Total Lot Frontage: 150.18m onto Upper Wentworth Street
167.86m onto Rymal Road West

Lot Depth: 167.86 metres

Total Lot Area: 2.1 hectares

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EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Wentworth Heights Retirement Community and Vacant	Major Institutional "I3" Zone, Designed Shopping Centre "G-1/S1087" and "G-1/S1087(a)" Zones, Urban Protected Residential "D" Zone
<u>Surrounding Lands:</u>		
North	Street Townhouses	Street Townhouses "RT-30" Zone
South	Group Townhouses	Low Density Multiple Dwellings "DE" Zone
East	Commercial Plaza	Designed Shopping Centre "G-1" Zone, Multiple Dwellings "DE-3" Zone
West	Single-Detached Dwelling and Group Townhouses	Townhouse Maisonette "RT-20" Zone, Protected Agricultural "AA" Zone

POLICY IMPLICATIONS

Provincial Policy Statement (PPS):

Staff recognizes that the application is consistent with the policies of Sub-section 1.1.3.1 of the PPS that focus growth in Settlement Areas.

Policy 1.7.1(e) of the PPS outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odor, noise and other contaminants, and minimize risk to public health and safety. Staff notes that the subject lands are intended to be developed for residential purposes and are located adjacent to Upper Wentworth Street and Rymal Road East, which triggers the requirement for a Noise Study.

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Staff notes that a Noise Study, titled **Village of Wentworth Heights Phase III Final Environmental Noise Assessment Report**, dated January 14, 2011, and prepared by MTE Consultants Inc., was submitted as part of the subject applications. The Noise Study reviewed the acoustic requirements for this development with respect to environmental noise due to vehicular traffic on Upper Wentworth Street and Rymal Road East and on site stationary noise sources (i.e. rooftop HVAC units).

The Noise Study recommends that forced air heating be provided for all units, warning clauses be included in all purchase and sale or lease agreements, and provides noise mitigation options to address the noise impact associated with the rooftop ventilation equipment. Upon considerations from the recommendations of this Report, Planning staff is satisfied that the proposed use may reasonably be located in the property in a manner that is consistent with the noise-related policies of the PPS. Further, the recommendations for noise mitigation will be implemented through the inclusion of specific clauses within an undertaking to be executed as part of a future site plan application.

Policy 2.6.2 of the PPS outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. Staff notes that the subject lands are located within an area of archaeological potential.

Growth Plan for the Greater Golden Horseshoe (Places to Grow):

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 indicates that some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”. The application is consistent with these principles, as it proposes to build a continuum of care community which will maximize the development potential of the site.

The subject lands are located within the City of Hamilton’s built boundary, and are consistent with general intensification policies of the Places to Grow Plan. Staff notes Policy 2.2.3.1, which states that by the year 2015, and for each thereafter, a minimum of 40% of all residential development occurring annually within each upper and single-tier municipality will be within the built-up area.

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City of Hamilton Official Plan:

The subject lands are currently designated “Commercial” and “Residential” on Schedule A to the City of Hamilton Official Plan. While the policies of the Official Plan allow major institutional uses (with the exception of schools) within the “Commercial” designation, and the “Residential” designation permits institutional uses such as retirement homes, such uses are intended to be small in scale.

Such larger-scaled institutional uses are guided by the policies of Sub-section A.2.6.4., which states that: “the development of a new MAJOR INSTITUTIONAL USE on a site of 0.4 hectares or greater will only be permitted by means of an amendment to this Plan and the implementing Zoning By-law, where applicable”. Considering that the subject lands are 2.1 hectares in size, the proponents are seeking to amend the City of Hamilton Official Plan to the “Major Institutional” designation.

When considering the merits of an amendment to the “Major Institutional” designation, the following relevant policies are to be met:

- “A.2.6.1 The primary uses permitted in the areas exceeding 0.4 hectare in size, designated on Schedule "A" as MAJOR INSTITUTIONAL, will consist of cultural facilities, health, welfare, educational, religious, and governmental activities and accessory uses.

- A.2.6.5 Notwithstanding the policies set out above, in areas designated MAJOR INSTITUTIONAL, Residential uses may be permitted provided they are compatible with the surrounding area and are in keeping with the Residential policies set out in Sub-sections A.2.1 and C.7 of this Plan.

- A.2.1.8 It is the intent of Council that a variety of housing styles, types, and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or re-development will contribute to the desired mix of housing, where practicable. In this regard, Council will be guided by the Housing Policies of Sub-section C.7 and the Neighbourhood Plan Policies of Sub-section D.2.

- A.2.1.13 Plans for re-development will, to the satisfaction of Council, ensure that the RESIDENTIAL character of the area will be maintained or enhanced, and that the re-development will not burden existing facilities and services.

- C.7.3 Council will encourage RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and futures residents. Accordingly, Council will:

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- iii) Support RESIDENTIAL development such as infilling, re-development, and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview;
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy, and overview;”

Planning staff is satisfied that the removal of the lands from the “Commercial” and “Residential” designations will not compromise the intent of the respective designations. The re-designation of this relatively small “Commercial” designation will not compromise the opportunity to provide retail and service commercial uses in the neighbourhood. In fact, commercial opportunities are immediately available at the existing commercial plaza to the immediate east. In addition, a limited range of personal services will still remain available to the future residents on-site.

Re-designating the lands to “Major Institutional”, to allow an expanded continuum of care of the existing retirement home, will assist in fulfilling the residential objectives of the Official Plan by providing a range of housing forms to meet the needs of present and future residents by allowing for a variety of housing alternatives for an aging population. These housing alternatives will allow residents to age in place, and match their evolving needs with assisted living opportunities ranging from maintenance-free residential dwellings to long-term care beds with health and medical assistance.

The inclusion of a health care clinic within the retirement home complex is compliant with the policies of the “Major Institutional” designation as it is considered a health and welfare use.

When assessing the design of the site and building within which the uses are proposed to be located, consideration must be given to the following policy:

- “C.8.3 Council will require that in the design of any development and/or re-development proposals, the following features be incorporated, where possible:
- i) The orientation of buildings in a manner that maximizes the use of direct solar ENERGY;

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- ii) The elimination or reduction of shadow casting onto adjacent existing and approved buildings”.

The proponents have submitted an **Urban Design Brief** that has demonstrated the proposed building will have minimal impact on the sunshadows cast in the direction of abutting property to the west. More detailed assessment of the site and building elements are found in the Analysis/Rationale For Recommendation section of this Report.

New Urban Official Plan (Ministerial Approved):

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified.

The final decision on the Urban Hamilton Official Plan has been appealed. As such, Council-approved Official Plan Amendments made prior to the final decision will be held in abeyance until their incorporation into the Plan can be requested of the Ontario Municipal Board, or through a future housekeeping amendment.

According to Schedule “E” - Urban Structure - of the Urban Hamilton Official Plan, the lands are partially designated as part of the Rymal Road Secondary Corridor. The remainder of the lands are designated “Neighbourhoods”. On Schedule “E-1” - Urban Land Use Designations - the vacant portions of the subject lands are designated “District Commercial”. Areas that fall within the “District Commercial” designation are intended to contain a range of retail and service uses that cater to the daily and weekly shopping needs of the residents in the surrounding area.

The uses being considered for Phase II of the Upper Wentworth Retirement Community are not currently permitted in the “District Commercial” designation.

The lands containing Phase I of the retirement community are currently designated “Neighbourhoods”. The “Neighbourhoods” designation is intended to provide the opportunity for a full range of housing forms, types, and tenures, including affordable housing and housing with supports. In addition, Sub-section 3.2.4.3 - General Policies for Urban Housing, notes that housing with supports, including residential care facilities, shall be permitted in Institutional, Neighbourhoods, Commercial, and Mixed-Use designations. Retirement homes of various types would fall within this range of uses. Therefore, the proponents are seeking to re-designate all of the subject lands to the “Neighbourhoods” designation.

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Considering the cumulative scale of development, which will include 273 residential units for seniors (not including the long term care facility beds) within a built form, which includes a 10-storey apartment building, the proposed development would be considered High Density Residential. When considering High Density Residential development, the Urban Hamilton Official Plan provides specific policies to ensure future development is of an appropriate function, scale, and design. More particularly, Sub-section 3.6 provides the following policy direction:

“3.6 High Density Residential

Function

- 3.6.1** High density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads.
- 3.6.2** Uses permitted in high density residential areas include multiple dwellings, except street townhouses.
- 3.6.3** Local commercial uses may also be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 - Local Commercial are satisfied.
- 3.6.4** High density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities.
- 3.6.5** Proximity to the Downtown Urban Growth Centre, Sub-Regional Nodes or Community Nodes, and designated Employment Areas shall be considered desirable for high density residential uses.

Scale

- 3.6.6** In high density residential areas, the permitted net residential densities identified on Appendix G - Boundaries Map shall be:
 - a) Greater than 100 units per hectare and not greater than 500 units per hectare in Central Hamilton; and,
 - b) Greater than 100 units per hectare and not greater than 200 units per hectare in all other Neighbourhoods designation areas.

- c) Notwithstanding Policy E.3.6.6 b), for smaller sites fronting on arterial roads, an increase in density may be considered, without an amendment to this Plan, provided the policies of this Plan are met.

Design

3.6.7 Development within the high density residential category shall be evaluated on the basis of the following criteria:

- a) Development should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may be permitted direct access to a collector or major or minor arterial roads via a local road upon which abut only a small number of low density residential category dwellings.
- b) High profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses. A separation distance shall generally be required and may be in the form of a suitable intervening land use, such as a medium density residential use. Where such separations cannot be achieved, transitional features such as effective screening and/or design features shall be incorporated into the design of the high density development to mitigate adverse impact on adjacent low profile residential uses.
- c) High profile development may be considered appropriate, subject to the other policies of this Plan, where it would result in the preservation of natural heritage system features or public view corridors which may otherwise be compromised by more dispersed, lower profile development.
- d) Development shall:
 - i) Provide adequate landscaping, amenity features, on-site parking, and buffering, where required;
 - ii) Be compatible with existing and future uses in the surrounding area in terms of heights, massing, and an arrangement of buildings and structures; and,
 - iii) Provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.

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- e) In accordance with the policies of Section B.3.3 - Urban Design Policies, development shall contribute to an attractive public realm by minimizing the view of the following elements from the abutting public streets (excluding public alleys):
- i) Surface parking areas;
 - ii) Parking structures;
 - iii) Utility and service structures such as garbage enclosures; and,
 - iv) Expanses of blank walls.
- f) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.
- g) The orientation, design, and massing of a building or structure higher than 6-storeys shall take into account the impact on public view corridors and general public views of the area of the Niagara Escarpment, waterfront, and other parts of the City, as identified through secondary plans or other studies.”

Upon review of the **Planning Justification Report** and **Urban Design Brief** provided by the proponent in support of the application, Planning staff is satisfied that the proposal to re-designate the small portion of the subject lands from “District Commercial” to “Neighbourhoods” maintains the intent and purpose of the Urban Hamilton Official Plan. Further, the site and buildings can be designed in a manner that will comply with the urban design policies of the Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Traffic Planning Section, Public Works Department.
- Budgets, Taxation, and Policy Section, Corporate Services Department.
- Hamilton Municipal Parking System.
- Emergency Services.
- Union Gas.
- Bell Canada.
- Horizon Utilities Corporation.
- Cogeco Cable Canada Inc.

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Forestry Division staff has identified a number of Municipal Tree assets within the abutting road allowances. Landscape Planting Plans and Tree Management Plans will be required to be submitted as part of the Site Plan review application that will be submitted following the finalization of this Official Plan Amendment and rezoning application.

The **Strategic Planning and Rapid Transit Division** has advised that the subject lands are adjacent to a corridor that has been identified as having a potential for the expansion of higher order rapid transit in the long term. In areas such as this, higher density uses are encouraged to promote active transportation and transit use. The street front should be enhanced to promote, encourage, and facilitate pedestrian and transit use. Staff has indicated that this application appears to be a good fit supportive of rapid transit initiatives.

The **Hamilton Conservation Authority** has indicated that the subject lands are within the Upper Ottawa subwatershed area of the Red Hill Creek Watershed. As part of the subsequent review of site plan applications, the proponents will be required to submit a geotechnical report, stormwater management and grading plans demonstrating that they are able to deal with stormwater in a manner supportable by both the HCA and City, including the requirement that Level 1 quality control be implemented on-site.

Public Consultation

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation of the application was circulated to 433 residents within 120 metres of the subject property on March 3, 2011, and March 18, 2011. A Public Notice Sign was also posted on the subject lands at that time. At the time of preparation of this Report, staff had received one letter in response to the Notice of Complete Application (see Appendix "F"). A full discussion of the concerns raised in the letter is found in the Analysis/Rationale For Recommendation section of this Report.

Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed Official Plan Amendment and changes in zoning have merit and can be supported for the following reasons:

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- (i) They are consistent with the Provincial Policy Statement, as they represent an opportunity for growth in a Settlement Area;
 - (ii) They are consistent with the Places to Grow Plan;
 - (iii) They conform to the Hamilton-Wentworth Official Plan;
 - (iv) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
 - (v) The proposed development represents good planning by providing a compact urban form.
2. The applicant is seeking the following amendments to the City of Hamilton Official Plan:
- Change the designation from “Residential” to “Major Institutional”, as shown on Schedule “A” of Appendix “C”.
 - Change the designation from “Commercial” to “Major Institutional”, as shown on Schedule “A” of Appendix “C”.

As noted earlier in this Report, the lands containing the existing long term care facility are currently appropriately designated “Major Institutional”. The re-designations proposed as part of the subject Official Plan Amendment are intended to provide a uniform designation across the entire property to recognize both the proposed uses and scale of said uses.

3. **OFFICIAL PLAN CHANGE:** “Residential” to “Major Institutional”.

According to Sub-section 2.1.8 of the City of Hamilton Official Plan, the intent of the “Residential” designation is to provide a variety of housing styles, types, and densities. Further, in evaluating the merits of a multiple-family residential development, Council is to be satisfied that the height, bulk, and arrangements of buildings are done in a manner that can integrate with surrounding areas and include appropriate landscaping and open-space. Sub-section C.7 provides policies to encourage a range of socially-assisted dwelling units for a variety of client types, a variety of housing options accessible to all residents, including residential care facilities.

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Notwithstanding the requested re-designation to “Major Institutional” to facilitate a retirement community providing a continuum of care for aged residents on a parcel greater than 0.4 ha., Planning staff is of the opinion that the Official Plan Amendment continues to fulfil the goals and objectives of the “Residential” designation. A range of residential opportunities will continue to exist on the subject lands. In addition, with the subject lands being located on two arterial roads at the periphery of a residential neighbourhood, Planning staff is satisfied that this is an appropriate location for a higher density built form that will integrate well with the surrounding community, including the existing residential care facility currently located on the northern portion of the subject lands.

4. **OFFICIAL PLAN CHANGE:** “Commercial” to “Major Institutional”

In general, the City of Hamilton Official Plan does not preclude certain small-scaled residential and institutional uses from locating on lands designated “Commercial”, and would not require an Official Plan Amendment. However, Sub-section A.2.6.4 requires an Official Plan Amendment for any new Major Institutional use over 0.4 hectares.

Planning staff is satisfied that the re-designation of a portion of the lands from “Commercial” will not compromise the opportunity to provide area residents with a variety and range of commercial uses in the immediate area. In fact, the lands are adjacent to a commercial property that contains a range of commercial uses.

5. The Urban Hamilton Official Plan was recently approved by the Province. Therefore, an amendment to the Urban Hamilton Official Plan is also necessary to provide the policy basis to implement the Zoning Amendment being sought by the applications. As noted earlier in this Report, a portion of the lands are required to be re-designated from “District Commercial” to “Neighbourhoods” in a manner consistent with the designation that applies to the Phase I lands.

The same analysis considered to support the re-designation of the “Commercial” portion of the lands in the City of Hamilton Official Plan may be applied to the New Urban Hamilton Official Plan. In particular, Planning staff is satisfied that the intent of the “District Commercial” policies to provide a range of commercial uses may continue to be fulfilled with the removal of these lands from the designation. Further, it is recognized that the “Urban Housing” policies of the new Urban Hamilton Official Plan allow “housing with supports” in Commercial designations. However, notwithstanding this permissive policy, Planning staff is of the opinion that it would be more practical to designate the subject lands to one consistent “Neighbourhood” designation.

SUBJECT: Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road West (Hamilton) (PED11138) (Ward 7) - Page 17 of 23

6. Through the accompanying **Concept Plan** and **Urban Design Brief**, the proponents have indicated that the proposed 273 residential units will be contained in a building fronting onto Rymal Road West that will range in height from 2-storeys to 10-storeys. The main footprint of the building will contain a 3-storey retirement home, with the taller, 10-storey apartment complex being located closer to the intersection of Rymal Road and Upper Wentworth Street. A 2-storey health clinic will be located to the far west of the building, in the area closest to - and most in scale with - nearby residential uses. The new retirement home and apartments will be connected with the existing 2-storey long term care facility by way of an open-concept “town square” building.

Landscaping and passive open space opportunities will be available to residents to the west of the proposed “town square”. Not only does this location provide a sympathetic setback between the proposed building and existing group townhouses to the west, it also removes the amenity area from the vehicle oriented areas of the site.

Planning staff is satisfied that the bulk, scale, and height of the proposed development will be compatible with the residential community to the north and west, as well as provide a transit-supportive scaled built form along the arterial road frontages.

7. The portion of the subject lands containing the existing long term care facility for the aged is currently zoned Major Institutional “I3”. Through the draft Zoning By-law Amendment, the proponents are seeking to rezone the remainder of the subject lands to a uniform Major Institutional “I3” Zone.

The standard provisions of the “I3” zone permits the range of uses proposed within the proposed retirement complex, including a long-term care facility, residential care facility, multiple dwelling, retirement home, medical clinic and medical office. However, a number of site-specific special provisions are required to provide regulations that will allow the development envisioned in the concept plan and urban design brief. A number of these special provisions particularly relate to the 10-storey apartment complex, and include permitting:

- A building height of 37 metres, whereas the current provisions permit 18.0 metres;
- A multiple dwelling (i.e. apartment) to be permitted as-of-right without the need to be located on the same lot as an Educational Establishment.

SUBJECT: Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road West (Hamilton) (PED11138) (Ward 7) - Page 18 of 23

The taller, 37 metre portion of the proposed complex will be located in the area of the site fronting onto Rymal Road, which is designated as a Secondary Corridor in the new Urban Hamilton Official Plan. The Plan intends for designated corridors such as Rymal Road to function as the location for higher density land uses and recognizes that some locations are appropriate for high rise built forms. Given its location at the intersection of two arterial roads, Planning staff is satisfied that this location is appropriate for such a higher density use. In addition, the cumulative built form shows the height of the buildings reduces from the maximum height of 37.0 metres to 2- to 3-storeys as they approach the abutting residential uses to the north and west. The sunshadow studies included in the proponent's urban design brief demonstrates that the "step-down" of building heights and setbacks results in the 37 metre portion of the proposed building having no impact on adjacent residential land uses.

8. The other site-specific regulations of the By-law are intended to allow the implementation of the concept plan and deal with the location of the parking lot and permissions to permit a walkway and retaining wall within 3 metres of the front property line. Finally, other provisions have been included to ensure that the overall planned built form of the complex is not compromised by regulations that are determined based on interior lot lines. Although proposed to be developed comprehensively, the lands are currently, and will continue to be, separate lots. Therefore, a site-specific special provision has been added to allow the zoning regulations to be interpreted as if the subject land was one site, regardless of ownership. Planning staff is satisfied that these regulations are appropriate as they will allow the design of the site to be undertaken in a comprehensive manner, as shown in the Urban Design Brief.
9. As the proposed use will contain a residential use that is considered sensitive to noise, the proponents submitted an **Environmental Noise Assessment Report** to support their application. Upon review, staff has determined that any noise impacts may reasonably be mitigated through site and building design.
10. The proponent has submitted a **Functional Servicing Report** that demonstrates the subject lands may be adequately serviced by existing municipal sewer and water infrastructure without compromising current systems.
11. The subject lands have archaeological potential as they are located within 250 metres of known archaeological sites; 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; in the vicinity of distinctive or unusual landforms; and along a historic transportation route. The proponent has, therefore, undertaken an

SUBJECT: Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road West (Hamilton) (PED11138) (Ward 7) - Page 19 of 23

Archaeological Assessment that was accepted by the Provincial Ministry of Tourism and Culture on June 20, 2011.

12. As noted earlier in this Report, one letter of concern was received in response to the Notice of Complete Application (see Appendix “F”). The concerns expressed by the resident related to impacts related to the 10-storey portion of the new building. In particular, concerns were expressed about the aesthetic and traffic-related impact such a building would have on the surrounding community.

Aesthetic/Compatibility:

The subject lands are located in an urban setting, surrounded by a range of residential uses. The typology of the uses can generally be characterized as a gradation of residential densities ranging from low-density singled-detached dwellings in the interior of the Barnstown Neighbourhood, giving way to a gradation of densities as lands approach the periphery of the neighbourhood. Adjacent to the property to the north and west within the Barnstown neighbourhood are medium density residential uses in the form of street- and group-townhouses.

Considered both in the context of the gradation of scale and typology of the surrounding neighbourhood, together with the location of the subject lands at the intersection of two arterial roads, planning staff is of the opinion that an opportunity exists to consider a higher density residential built form on the subject lands.

With respect to building height, staff notes that a significant portion of the footprint of the site will be 2- to 3-storeys in height, with a gradation of height increased nearer to the Rymal Road/Upper Wentworth intersection and, therefore, further removed from the periphery of the neighbourhood. Through the submission of an **Urban Design Brief** and **Concept Plan**, the proponents have also demonstrated that the lower scaled portions of the site will be located adjacent to the abutting residential uses and, in the case of the lands to the west of the “Town Square”, will be used for passive open space for the use of residents. In addition, the 10-storey portion of the building will have minimal impact on the sunshadows cast in the direction of the surrounding residential land uses to the west.

Staff is of the opinion that this gradation in density towards the periphery of the Barnstown Neighbourhood is consistent with Policy 7.2 of the current City of Hamilton Official Plan, which states that:

SUBJECT: Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road West (Hamilton) (PED11138) (Ward 7) - Page 20 of 23

“Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in gradation so that higher density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity, and value.”

Further, the new Council adopted Urban Hamilton Official Plan acknowledges that higher density residential typologies are intended to be directed to the periphery of designated “Neighbourhoods”. The Plan also provides policy direction to ensure that such higher density development also includes urban design elements that will assist in ensuring compatibility with the surrounding community, as well as contribute to an attractive public realm. In particular, Sub-section 3.3 of the new Urban Hamilton Official Plan states that:

- “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; and,
 - c) Minimizing the impacts of shadows and wind conditions.
- 3.3.3.3 New development shall be massed to respect existing and planned street proportions.
- 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.
- 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;

SUBJECT: Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road West (Hamilton) (PED11138) (Ward 7) - Page 21 of 23

- d) Locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) Using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

Planning staff is satisfied that the **Urban Design Brief** and **Concept Plan** provided by the applicant demonstrate that the proposed buildings, including the 10-storey component, comply with the intent of the Urban Design policies of the Urban Official Plan.

As is the case for the development of all institutional and multi-residential buildings, an application for Site Plan approval will be required. Any noise-related design elements can be included in the final site plans for the subject lands and buildings. In addition, details and features of the re-development that are necessary to ensure compatibility with the surrounding community and strong urban design elements adjacent to public vantage points will be required to be formalized as part of the Site Plan Approval application. The Site Plan Review process will also be used to ensure that such things as landscaping, access, and parking locations are included in the final detailed development plans.

The owner will be required to sign an undertaking and post securities to ensure that the property is developed in accordance with the site plan. In addition, monies for Cash-in-Lieu of parkland dedication, etc., will be collected at the Building Permit Stage.

Traffic:

Staff notes that it is not likely that traffic generated by the proposed use will infiltrate the lower-order local and collector roads in the interior of neighbourhoods where streets are designed to accommodate lower and localized traffic volumes. Rather, the expanded facility will be serviced by vehicular entrances off of Rymal Road East and Upper Wentworth Street, both of which are considered to be arterial roads intended to carry relatively large volumes of short and long-distance traffic in and through the City.

As part of the review of this application, Traffic Department staff has had an opportunity to assess the proposed use and is satisfied the volume of traffic expected to be generated will be reasonably accommodated on the abutting arterial roads. In addition, the locations of the proposed accesses are not expected to create operational issues or conflicts with the signalized Rymal Road East/Upper Wentworth intersection.

SUBJECT: Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road West (Hamilton) (PED11138) (Ward 7) - Page 22 of 23

Staff is, therefore, satisfied that the additional traffic created by the proposed development is in keeping with the expected traffic capabilities of the adjacent roads and will have a negligible impact on the interior of the surrounding neighbourhood.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the proposed Zoning By-law Amendment applications be denied, the existing property would remain zoned a variety of Institutional, Residential, and Commercial Zones. The existing residential care facility could continue to operate in compliance with current zoning regulations. The remainder of the property at the Rymal Road and Upper Wentworth Street intersection could be developed for Commercial purposes and a single-detached dwelling could be rebuilt on the lands at 401 Rymal Road West.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Financial Sustainability

- ◆ Effective and sustainable Growth Management.

Social Development

- ◆ Everyone has a home they can afford that is well maintained and safe.
- ◆ Residents in need have access to adequate support services.
- ◆ People participate in all aspects of community life without barriers or stigma.

Environmental Stewardship

- ◆ Natural resources are protected and enhanced.
- ◆ Aspiring to the highest environmental standards.

SUBJECT: Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road West (Hamilton) (PED11138) (Ward 7) - Page 23 of 23

Healthy Community

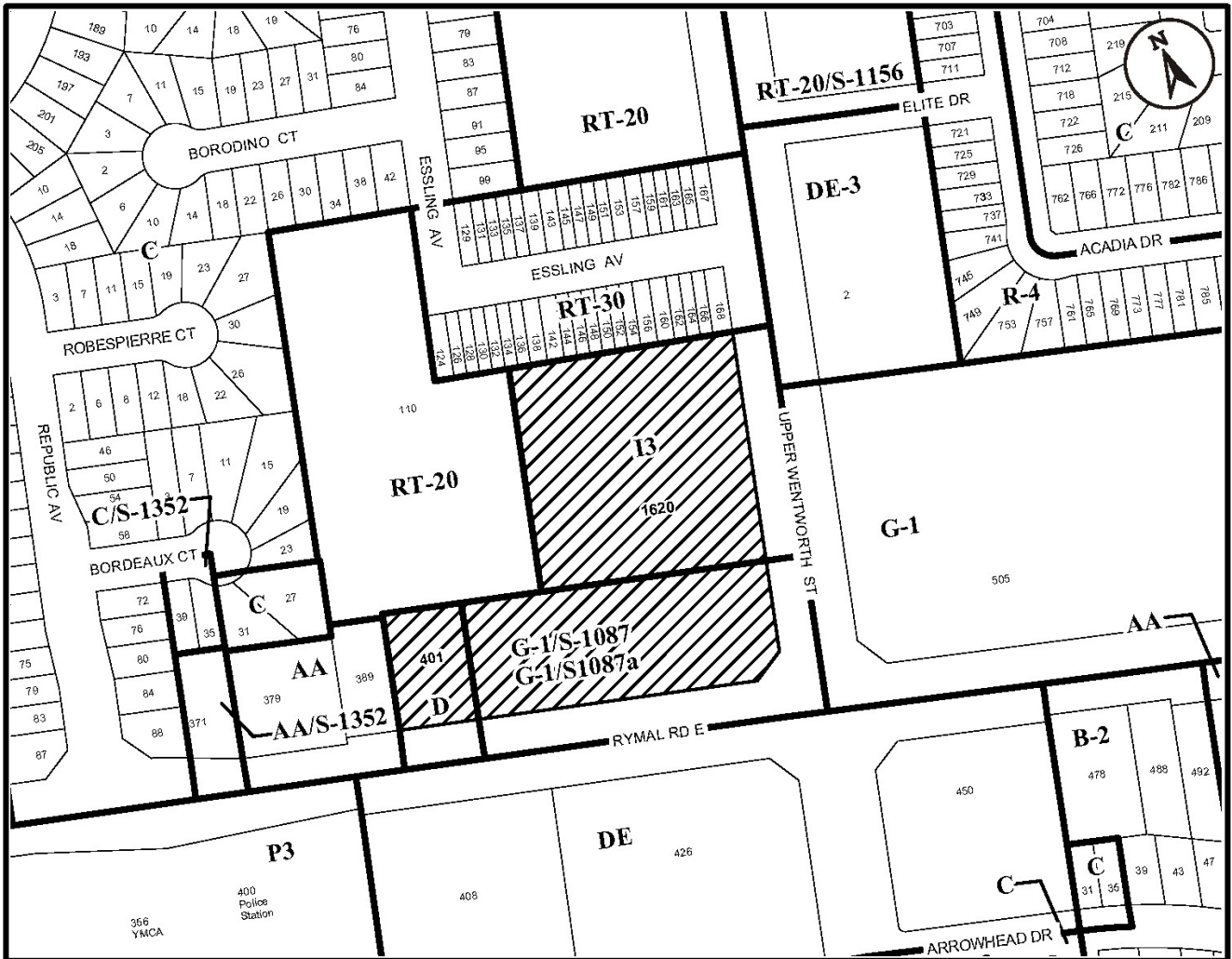
- ◆ Plan and manage the built environment.
- ◆ Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services)

APPENDICES / SCHEDULES

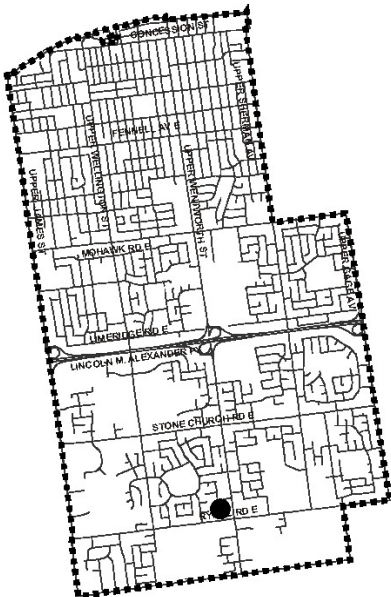
- Appendix “A”: Location Map
- Appendix “B”: Concept plan
- Appendix “C”: Draft Official Plan Amendment - City of Hamilton Official Plan
- Appendix “D”: Draft Official Plan Amendment - Urban Hamilton Official Plan
- Appendix “E”: Draft By-law (Zoning By-law 05-200)
- Appendix “F”: Neighbourhood Letters

:CB

Attachs. (6)



● Site of the Application



Ward 7 Key Map

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:

ZAC-11-009, OPA-11-003

Date:

March 10, 2011

Appendix "A"

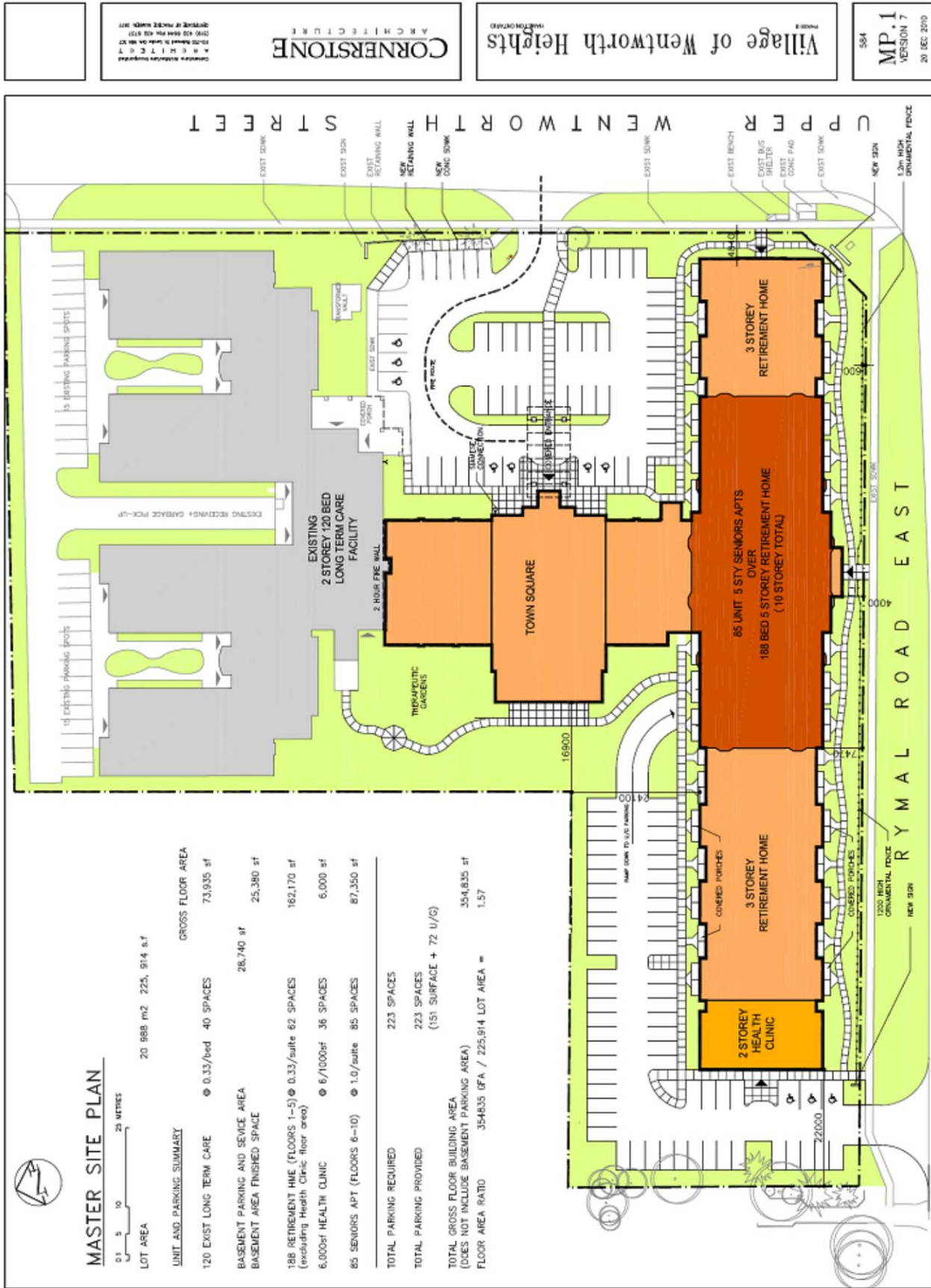
Scale:
N.T.S.

Planner/Technician:
CB/AL

Subject Property



1620 Upper Wentworth Street and
401 Rymal Road East



MASTER SITE PLAN

0.1 5 10 25 METRES

LOT AREA 20,888 m² 225,914 s.f.

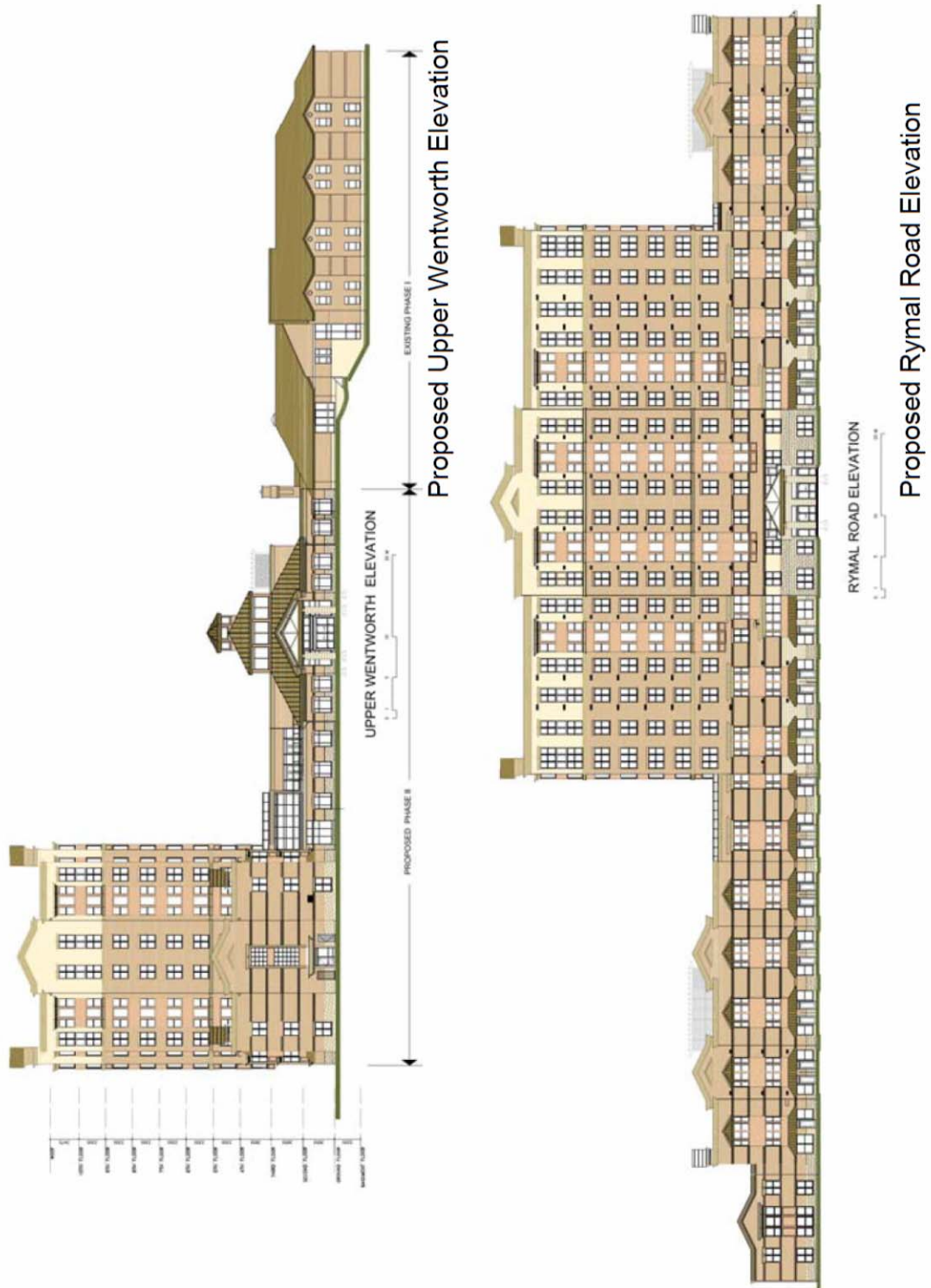
UNIT AND PARKING SUMMARY

UNIT AND PARKING SUMMARY	UNIT AND PARKING SUMMARY	GROSS FLOOR AREA
120 EXIST LONG TERM CARE	40 SPACES	73,935 sf
BASEMENT PARKING AND SERVICE AREA	28,740 sf	
BASEMENT AREA FINISHED SPACE		
188 RETIREMENT HME (FLOORS 1-5) (excluding Health Clinic floor area)	62 SPACES	162,170 sf
6,000sf HEALTH CLINIC	36 SPACES	6,000 sf
85 SENIORS APT (FLOORS 6-10)	85 SPACES	87,350 sf

TOTAL PARKING REQUIRED	223 SPACES
TOTAL PARKING PROVIDED	223 SPACES (151 SURFACE + 72 U/G)
TOTAL GROSS FLOOR BUILDING AREA (DOES NOT INCLUDE BASEMENT PARKING AREA)	354,835 sf
FLOOR AREA RATIO	354,835 OFA / 225,914 LOT AREA = 1.57

Complete site plan prepared
 for the Village of Wentworth Heights
 on 12/15/2010
 by
 ARCHITECT
 1000 Main Street, Suite 200
 Hartford, CT 06103

364
 MP.1
 VERSION 7
 20 DEC 2010



Proposed Upper Wentworth Elevation

Proposed Rymal Road Elevation

Schedule “1”

Draft Amendment No. [REDACTED]

to the

Official Plan of the City of Hamilton

That the following text and Schedule “A” - Land Use Concept, attached hereto, constitutes Official Plan Amendment No. [REDACTED] to the Official Plan of the City of Hamilton.

Purpose:

The purpose of this Amendment is for a change in designation from “Residential” and “Commercial” to “Major Institutional” in order to permit the development of a retirement community providing a continuum of care ranging from apartment dwelling units to a serviced nursing home, together with a medical clinic.

Location:

The lands affected by this Amendment, being approximately 2.1ha, are located at 1620 Upper Wentworth Street and 401 Rymal Road East, at the northwest corner of the intersection of Upper Wentworth Street and Rymal Road East, in the City of Hamilton.

Basis:

The basis for permitting the proposal is as follows:

- The proposal is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan and the former Region of Hamilton-Wentworth Official Plan.
- Although both the “Commercial” and “Residential” designations permit limited Institutional uses, the size and scale of the proposed continuum of care facility warrants a re-designation to the “Major Institutional” designation.
- The removal of the lands from the “Commercial” designation will not compromise the intent of the designation insofar as there remains opportunity to provide ample retail and service commercial uses in the immediate area.

- The removal of the lands from the "Residential" designation will not compromise the intent of the designation insofar as the proposed redesignation will continue to fulfill the objectives of the designation by providing a range of housing forms that will meet the needs of present and future residents by allowing for a variety of housing alternatives for an aging population.
- The subject lands are located at the periphery of a residential neighbourhood at the intersection of two designated arterial roads. The location is appropriate for higher density built forms that may be designed in a manner that will not have a negative impact on the surrounding neighbourhood due to the use of appropriate distance separation, gradation of density from the lower density interior of the neighbourhood, sympathetic landscaping and orientation towards the arterial road frontages.

Actual Changes:

Schedule Changes:

- "1. Schedule "A" - Land Use Concept - be revised by changing the subject lands to a "Major Institutional" designation from the "Residential" and "Commercial" designation, as shown on the attached Schedule "A" of this amendment."

Text Changes:

No change.

Implementation:

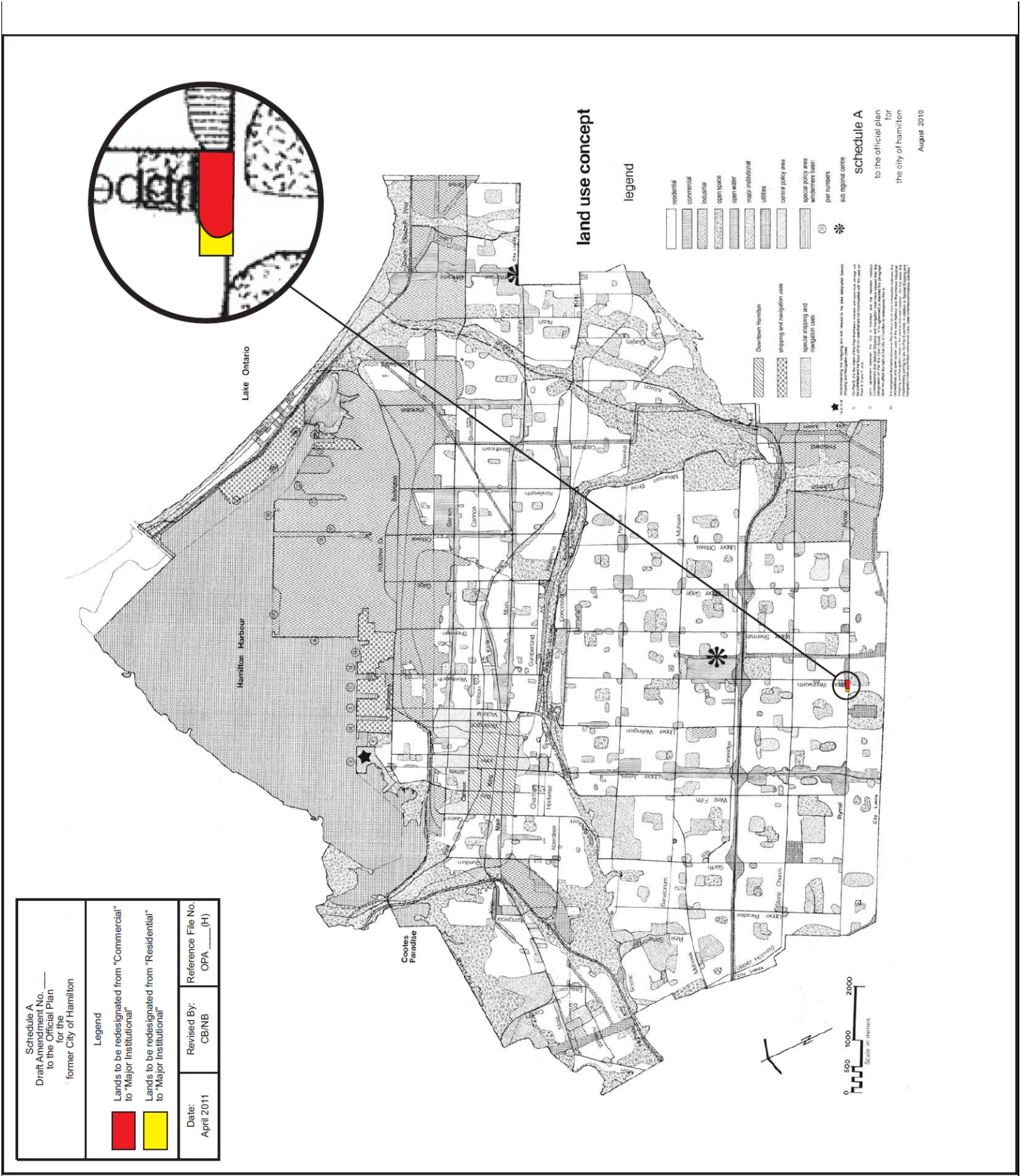
A Zoning By-law Amendment and Site Plan Application will give effect to this Amendment.

This is Schedule "1" to By-law No. 11-█, passed on the █ day of █, 2011.

The City of Hamilton

R. Bratina
Mayor

Rose Caterini
Clerk



Schedule A Draft Amendment No. ___ to the Official Plan for the former City of Hamilton	
Legend Lands to be redesignated from "Commercial" to "Major Institutional" Lands to be redesignated from "Residential" to "Major Institutional"	
Date: April 2011	Revised By: CB/NB
Reference File No. OPA ___(H)	

land use concept

legend

- residential
- commercial
- industrial
- open space
- open water
- major institutional
- utilities
- centres policy area
- special policy area: waterfront urban
- per numbers
- star regional centre

schedule A
to the official plan
for
the city of hamilton
August 2010



Urban Hamilton Official Plan Amendment No. [REDACTED]

The following text, together with:

- Schedule "A" - Land Use Plan - Volume 1: Schedule E-1- Urban Land Use Designations,

attached hereto, constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

1.0 Purpose:

The purpose of this amendment is to:

- Re-designate the subject lands from "District Commercial" to "Neighbourhoods" to permit the expansion of a senior's retirement community.

2.0 Location:

The lands affected by this amendment are located in the north-west quadrant of the Upper Wentworth Street and Rymal Road East intersection, and are known municipally as 1620 Upper Wentworth Street and 401 Rymal Road East, in the former City of Hamilton.

3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposal is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan and the former Region of Hamilton-Wentworth Official Plan.
- The removal of the lands from "District Commercial" will not compromise the intent of the designation insofar as there remains opportunity to provide ample retail and service commercial uses in the immediate area.
- The re-designation to "Neighbourhoods" will assist in fulfilling the goals of the designation to develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods with a range of housing types and densities for an aging population.

- The subject lands are located at the periphery of a residential neighbourhood at the intersection of two designated arterial roads. The amendment will promote intensification at an appropriate location and at an appropriate scale in a manner that will respect the character of the surrounding neighbourhood through the use appropriate distance separation, gradation of density from the lower density interior of the neighbourhood, sympathetic landscaping and orientation towards the arterial road frontages

4.0 Changes:

Text and Maps

4.1 Volume 1-Parent Plan

Text
No changes

Map

4.1.1 That Schedule E-1 - Urban Land Use Designations, be amended by:

- a) Re-designating the subject lands from "District Commercial" to "Neighbourhoods",

as shown on the attached Schedule "A" to this Amendment.

5.0 Implementation:

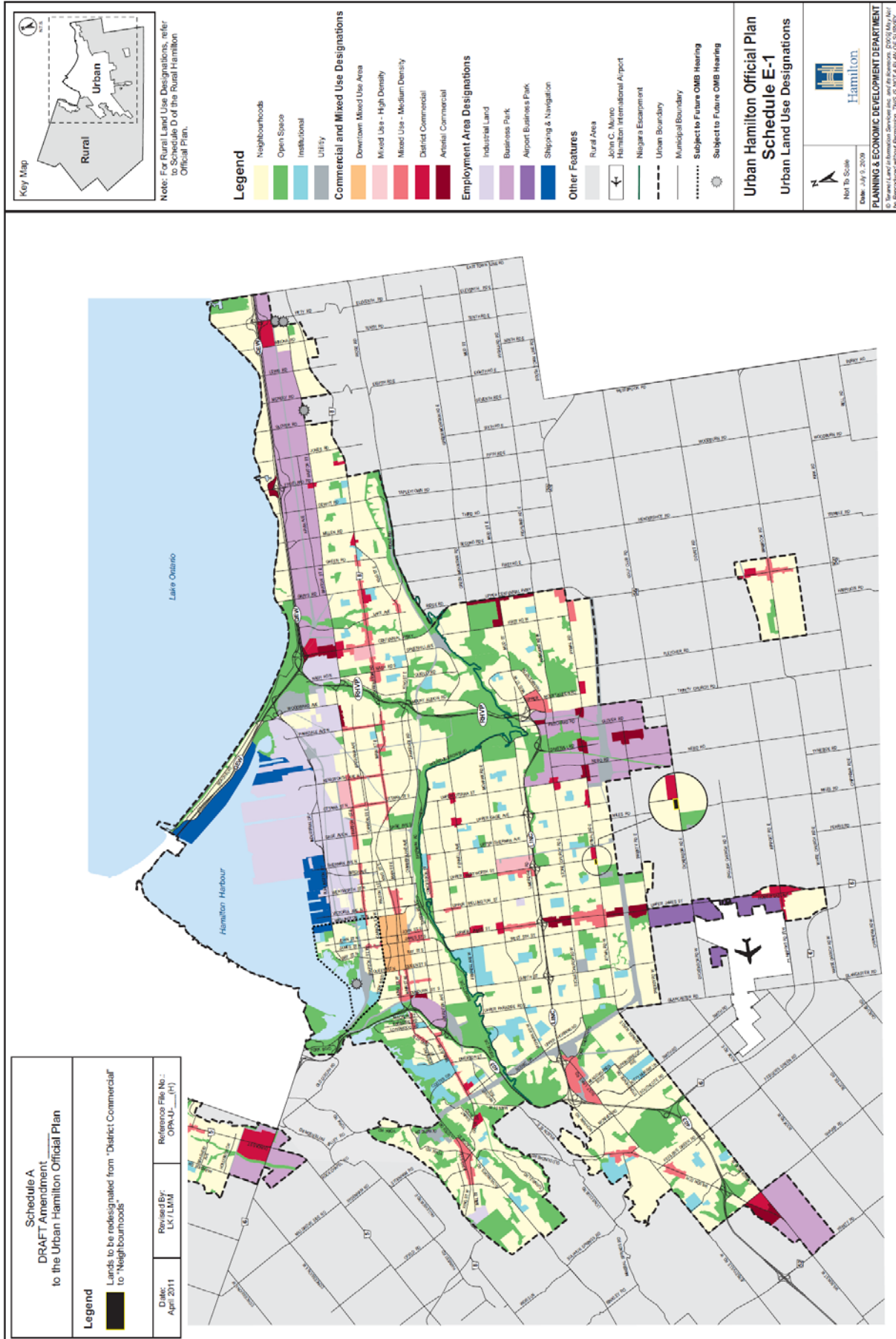
An implementing Zoning By-law Amendment shall give effect to this Amendment.

This is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2011.

**The
City of Hamilton**

R. Bratina
MAYOR

Rose Caterini
CLERK



Authority: Item [REDACTED]
Planning Committee
Report: 11-[REDACTED] (PED11138)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road West, Hamilton

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, Statutes of Ontario, 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the first stage of the Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 11-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2011, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton, in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 1447 of Schedule "A" to Zoning By-law No. 05-200 is amended by:
 - (a) Rezoning from the Major Institutional (I3) Zone to the Major Institutional (I3, 43) Zone, Modified, on the lands comprised of Block 1, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A"; and,
 - (b) Incorporating the Major Institutional (I3, 43) Zone, Modified, boundaries, on the lands comprised of Block 2, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Schedule "C": Special Exemptions of Zoning By-law No. 05-200, as amended, is hereby further amended by adding the following Sub-sections:
 - 43 Within the lands zoned Major Institutional (I3, 43) Zone, Modified, identified on Map 1447 of Schedule "A" and described as 1620 Upper Wentworth Street and 401 Rymal Road West, the following special provisions shall apply:
 - a) Notwithstanding Sections 8.3.2.1c) and 8.3.2.2b) of this By-law, a maximum building height of 37 metres shall be permitted for the Retirement Home/Multiple Dwelling portion of the building.
 - b) Notwithstanding Section 8.3.2.1b) of this By-law, the minimum required side yard shall be of 0.65 metres.
 - c) Notwithstanding Section 8.3.2.2c) of this By-law, an Educational Establishment shall not be required on the same lot as a medical clinic or multiple dwelling.
 - d) Notwithstanding the definition of Lot as noted in Section 3, and notwithstanding any change in land ownership or any severance, partition or division of the property subject to this special provision shall be considered one lot for the purposes of the Zoning By-law.
 - e) Notwithstanding Section 5.1d) of this By-law, parking lot may be located between the building façade and the front lot line facing Upper Wentworth Street.
 - f) Notwithstanding Section 5.6a) of this By-law, parking for a

retirement home shall be provided at the rate of one parking space for every three bachelor unit or one-bedroom unit.

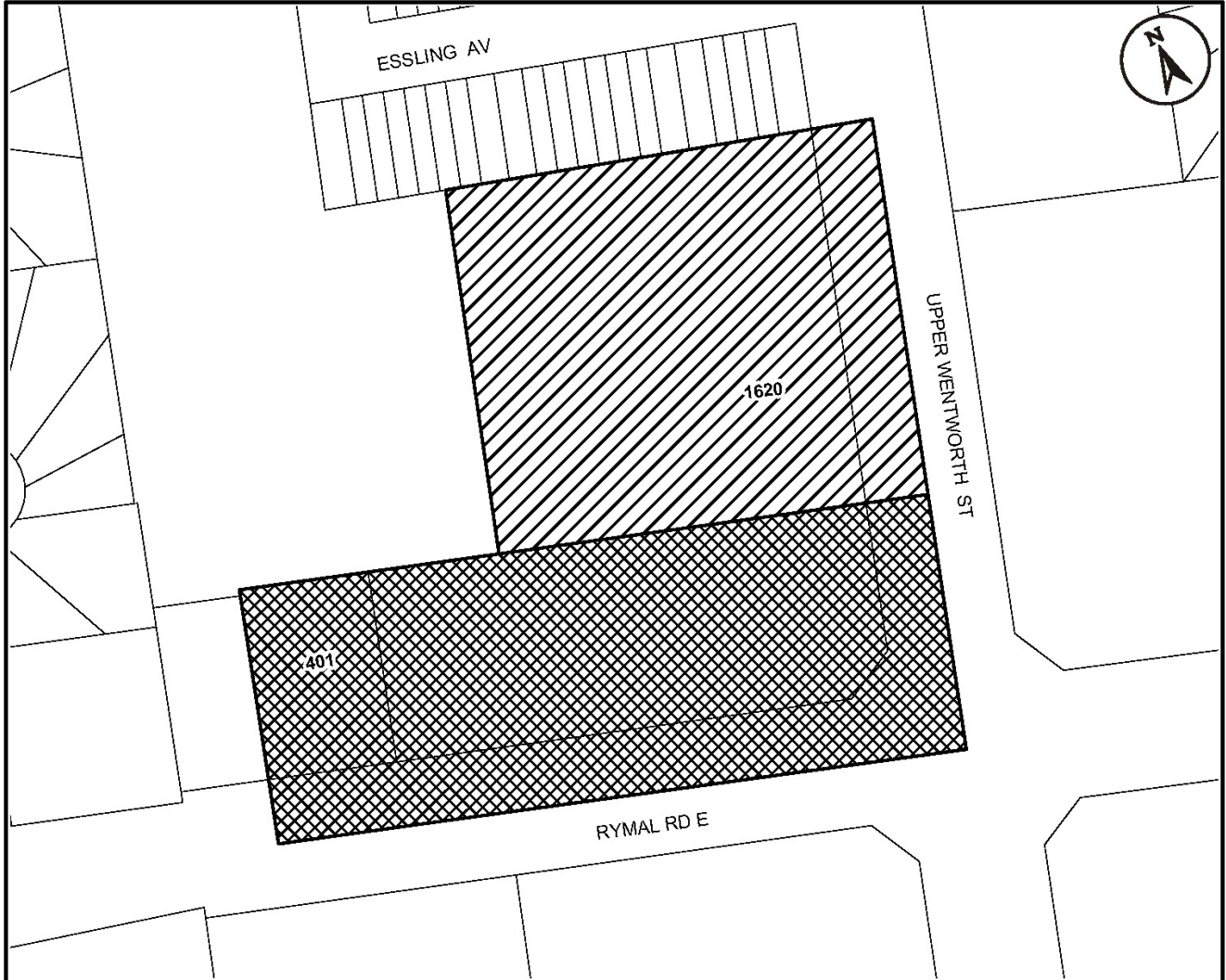
- g) Notwithstanding Sections 3 and 5.1v) of this By-law, walkways and retaining walls may be permitted within the required 3.0 metre planting strip.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2011.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAC-11-009



This is Schedule "A" to By-Law No. 11- Passed the day of, 2011	----- Clerk ----- Mayor
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-Law No. 11-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 05-200 Map 1447</h3>	<p>Subject Property 1620 Upper Wentworth Street & 401 Rymal Road East</p> <p> Block 1 – Lands to be rezoned from the Major Institutional (I3) Zone to the Major Institutional (I3, 43) Zone, Modified.</p> <p> Block 2 – Lands to be zoned Major Institutional (I3, 43) Zone, Modified.</p>
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Scale: N.T.S.	File Name/Number: ZAC-11-009, OPA-11-003	
Date: June 3, 2011	Planner/Technician: CB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Wednesday, March 30, 2011

Attn: Mr. Chris Bell,

Senior Planner, City of Hamilton – Planning & Economic Development Dept.

From: Mr. and Mrs. Dan and Karen Nichol

39 Bordeaux Court, Hamilton, L9B 2G7

[REDACTED]

[REDACTED]

Re: Application for an Official Plan Amendment and Zoning By-Law Amendment by

Oakwood Retirement Communities Inc.,

On lands located at 1620 Upper Wentworth Street and 401 Rymal Road East, Hamilton

(File #: OPA-11-003 and ZAC-11-009)

Dear Mr. Bell,

We are writing this letter to you in response to an informational letter that we received from your office, communicating that application has been made to change the Official Plan designation and Zoning regulations affecting portions of the subject lands in order to allow the development of Phase II of the "Villages of Wentworth Heights".

We would like to submit the following comments to you, and hope that you will consider them when reviewing the overall development application for approval.

While we are not opposed to some kind of expansion to the current Phase I site, there is one aspect of the current planned Phase II design that we and several of our neighbours have serious issues with. That is the proposal for the main building, the portion connected to the "Town Square", in other words the portion that contains the 188-spot retirement home plus health clinic plus 85 seniors apartments, is proposed to be a **10-storey building**. We have serious concerns with the overall proposed height of this building structure.

Appendix “F” to Report PED11138 (Page 2 of 2)

For many kilometers in all directions, there are no other buildings that are 10-storeys in height. Quite to the contrary, there is only one building, still quite some distance away (on the corner of Stonechurch Road and Upper Wentworth) that is 8 storeys tall. ALL other buildings as far as the eye can see, from as far west as Upper Paradise Rd, to as far east as Dartnall Rd, and the same distance from north to south, are all MAXIMUM THREE storeys tall.

We believe that to introduce a 10-storey structure in the Phase II location, will totally undermine the aesthetics of the region, will not be in keeping with the design of the existing developments, and will literally stand out as an eye-sore to all those living or visiting the local area. In addition, we believe that traffic congestion in the area will increase (due to increased number of tenants in the complex, as well as visitors to the site), causing the already-overly-congested Rymal Road area to be in a state of constant, solid grid-lock.

The Upper Wentworth and Rymal Rd area, and its surrounding regions, are largely residential in nature. However, even businesses located in the region are contained within buildings that are generally 3-storeys or fewer. The region is NOT like the downtown core, and there are no vertical high-rise buildings. To introduce a vertical high-rise style building into the area would be detrimental to the sense of “residence and family” of the neighbourhood.

Hence, we recommend that all portions of the Phase II proposed development be limited to 3-storey building structures.

Thank –you very much for your time and attention in receiving these comments, and considering them as part of the Planning process. Please feel free to contact us at any time if you require any clarification.

Best Regards,

Dan & Karen Nichol