

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

Report to: Chair and Members Planning & Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager Planning and Economic Development Department
Date: March 17, 2006 File: ZAC-05-105	Prepared by: Owen Quinn/Edward John (905) 546-2424, Ext. 5803

SUBJECT: Change in Zoning for Lands Located at 1725 Upper James Street (Hamilton) (PED06096) (Ward 7)

RECOMMENDATION:

That approval be given to **Zoning Amendment Application ZAC-05-105, Fred Morison, owner**, to change the zoning from the “B” (Suburban Agriculture and Residential, etc.) District to the “HH” (Restricted Community Shopping and Commercial) District, Modified, to permit the development of two 3-storey office buildings, for lands located at 1725 Upper James Street (Hamilton), as shown on Appendix “A” to Report PED06096, on the following basis:

- (a) That the subject lands be rezoned from the “B” (Suburban Agriculture and Residential, etc.) District to the “HH” (Restricted Community Shopping and Commercial) District, Modified.
- (b) That the Draft By-law, attached as Appendix “B” to Report PED06096, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.
- (d) That upon finalization of the implementing By-law, the Allison Neighbourhood Plan be amended by re-designating the subject lands from “Single and Double Residential” and “Office and Service Commercial” to “Highway Commercial”.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

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EXECUTIVE SUMMARY:

The purpose of the application is to permit the development of two 3-storey office buildings.

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement, and it conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan. The proposal is considered to be compatible with the surrounding neighbourhood.

BACKGROUND:

Proposal

The application is for a change in zoning for lands located at 1725 Upper James Street (see Appendix "A"). The purpose of the application is to change the current "B" (Suburban Agriculture and Residential, etc.) District, to the "HH" (Restricted Community Shopping and Commercial) District, to permit the development of two 3-storey office buildings. Currently, there is an existing single detached dwelling on the subject property.

As detailed in the submitted preliminary site plan (see Appendix "C"), the proposal would consist of two 3 storey office buildings with a combined Gross Floor Area of 3,064.5m². On site provisions would allow seventy-one parking spaces (at a rate of one space per 43m²) and one loading bay. The application also proposes a 12 metre wide landscaped berm and 1.8 metre high wood privacy fence along the rear lot line, a 1.5 metre wide planting strip along the southerly side lot line, and planting strip along the Upper James Street frontage.

OPA No. 190

Official Plan Amendment No. 190 to the City of Hamilton Official Plan was approved in 2003, which established a "Commercial" designation on the subject lands and other adjacent lands, including the car dealership located at 1731-1741 Upper James Street.

Details of Submitted Application:

Owner/ Applicant: Fred Morison

Agent: Ed Fothergill, Fothergill Planning & Development Inc.

Location: On the east side of Upper James Street, to the south of Bartlett Avenue (see Appendix 'A'), known as Part of Lot 6, Concession 1, Geographic Township of Glanford, in the City of Hamilton, municipally known as 1725 Upper James Street.

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Description: Frontage: 27.21 m.
Depth: 176.19 m.
Area: 0.69 ha.

EXISTING LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
Subject Lands:	Single Detached Dwelling	“B” (Suburban Agriculture and Residential, etc.) District
<u>Surrounding Lands:</u>		
North	Single Detached Dwelling	“B” (Suburban Agriculture and Residential, etc.) District
South	Car Dealership	“HH/S-1490” (Restricted Community Shopping and Commercial) District, Modified
East	Single Detached Dwellings	“B” (Suburban Agriculture and Residential, etc.) District
West	Elementary School and Church	“B” (Suburban Agriculture and Residential, etc.) District

ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.
 - (ii) It conforms to the Hamilton Official Plan’s “Commercial” policies, as modified by the policies of Special Policy Area 31d.
 - (iii) It is compatible with the surrounding commercial and residential developments and allows for the reasonable development of an underutilized parcel within an existing commercial area.
2. The subject property was previously part of Official Plan Amendment No. 190, which was passed in October 2003. This re-designated the subject lands from “Residential” to “Commercial”, and extended “Special Policy Area 31d”, which established site-specific policies prohibiting restaurant and hotel uses and requiring a buffer area, on the subject lands. The current application proposes to change the zoning of the subject lands from the “B” District to the “HH” District, Modified, to accommodate the creation of two office buildings. As the “HH” District would permit restaurants and hotels, a modification is recommended

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prohibiting these uses from the subject lands, in accordance with the policies of "Special Policy Area 31d".

3. Vehicular access would be provided from Upper James Street, with both 3 storey office buildings located centrally within the site. The buildings would have a combined gross floor area of 3,064.5 m². Parking areas would be located to the south, west and east of the buildings, comprising a total of seventy-one parking spaces and one loading area (See Appendix "C").

Staff notes that the amount of on-site parking and loading spaces indicated on the submitted site plan are less than the minimum provisions set out within the Hamilton Zoning By-law. Based on the gross floor area of the proposed buildings, a minimum of eighty-five parking spaces and two loading spaces are required compared to the proposed number of spaces detailed above. Staff supports the reduced parking and loading, as overflow parking impacting the area is unlikely given that the local streets in the area are separated by Upper James Street with heavier volumes of traffic, and parking spaces on-site can function as additional loading spaces, if needed.

4. Staff requested the submission of a traffic impact study. The study was requested to ensure that the scheme could be satisfactorily accommodated on-site without any detrimental impact upon the safety or amenity of pedestrians/motorists.

The traffic study was conducted by Geoffrey Aston of Transportation Engineering in November 2005. The report concluded that there are existing problems along this section of Upper James Street, which include delays in making turning movements to and from Upper James Street, and a significant number of collisions have been reported at the intersection of Upper James Street and Alderson Road. The report suggests that these existing issues may be partially alleviated through the construction of a two-way left turn lane on Upper James Street, which could be funded from the City of Hamilton's development charges reserve. No further improvements were considered warranted within the findings of this study. The site layout was considered adequate to handle delivery vehicles entering the site, unloading and exiting in a forward manner provided care is taken to align the proposed driveway opposite to Alderson Drive.

Following the submission of the study, Traffic Section staff concluded that while delays may be faced by those drivers attempting to leave the site, the results of the traffic study in general supported the proposal, provided certain conditions are implemented at the Site Plan Control stage. These conditions include providing adequate sightlines, satisfactory outbound access design, and the alignment of the site driveway with the centreline of Alderson Drive. Furthermore, it was suggested that the lands at 1725 Upper James Street could be consolidated with undeveloped lands to the north for development purposes, which could include a mutual right-of-way established between the properties for vehicular and pedestrian access. This and the other issues raised by Traffic Section staff will be examined in more detail at the Site Plan Control stage.

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5. With regard to landscaping and privacy mitigation measures for the adjacent residential properties, it is noted that the proposal (see Appendix “C”) would introduce a 12 metre wide landscaped berm and a 1.8 metre high wood privacy fence along the rear lot line, in accordance with the Hamilton Official Plan. This, in addition to the 1.5 metre wide planting strip along the southern side lot line and 1.5 metre wide planting strip along the Upper James Street frontage, would comply with the recommended zoning requirements. The applicant has requested a modification to the “HH” zoning provisions in order to delete the minimum 1.5 metre wide planting strip required in the Zoning By-law for the northerly side lot line. Staff reviewed this request and considers that, given the context of the site, the preliminary status of the site plan, and the range of uses that could be developed, that this modification could not be supported.
6. Staff notes that the existing road allowance width of this section of Upper James Street is presently 30.48 metres wide. Therefore, as a condition of future development approval, the owner will be required to dedicate sufficient lands along the entire frontage of the property (3.048m wide approx.) to establish the designated road allowance width of 36.58 metres. This dedication is not considered to prejudice the proposal and will be taken at the Site Plan Control stage of development.
7. The application was pre-circulated to forty-three property owners within 120 metres of the subject lands. One letter was received from a local resident at 94 Aldercrest Drive (See Appendix “D”). The letter, while not raising objection to the proposal, sought assurance that any lighting scheme designed for the proposed parking would be directed away from their property. The proposed lighting scheme will be assessed as part of the site plan process and, consequently, any mitigation measures (i.e. cut-off lighting) required to protect residential amenities will be examined. Staff notes that the light standards are proposed to be located within the required planting strips and landscaped areas (See Appendix “C”). This is not permitted within the Zoning By-law and, as such, will be resolved at the Site Plan Approval stage.
8. The proposal is in keeping with the existing development from a community planning perspective, however, a Neighbourhood Plan Amendment will be required to re-designate the subject lands from “Single and Double Residential” and “Office and Service Commercial” to “Highway Commercial”.

ALTERNATIVES FOR CONSIDERATION:

Under the existing “B” (Suburban Agriculture and Residential, etc.) District, the subject lands could be developed for residential and institutional uses consistent with the regulations of the “B” (Suburban Agriculture and Residential, etc.) District.

The current application is, however, favoured because it would allow for an appropriate scale of employment generating commercial development within an identified commercial area.

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FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: No implications on financial resulting.

Staffing: No implications on staffing resulting.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in Zoning.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the principles and policies of the PPS.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

Therefore, as the nature of the application is to amend the current zoning designation to facilitate development of the site for commercial purposes, the proposal conforms to the Hamilton-Wentworth Official Plan policies.

City of Hamilton Official Plan

The subject lands are designated “Commercial” on Schedule “A”, Land Use Concept Plan and “Special Policy Area 31d” on Schedule “B”, Special Policy Areas Plan.

Notwithstanding the permitted uses set out in Subsection A.2.2 – Commercial Uses, “Special Policy Area 31d” prohibits restaurant uses and hotels for those lands known municipally as 1719-1755 Upper James Street, which includes the subject site. As the “HH” District would permit restaurants and hotels, a modification is recommended prohibiting these uses from the subject lands, in addition to requiring a minimum 12 metre wide landscaped berm and a 1.8 metre to 2.0 metre high wood privacy fence along the rear lot line. The proposed Zoning conforms to the Official Plan.

Neighbourhood Plan

The subject lands are located within the Allison Neighbourhood Plan and are designated “Offices and Service Commercial” and “Single and Double Residential”. The proposal is considered in keeping with the existing pattern of development. However, a Neighbourhood Plan Amendment will be required to re-designate the subject lands to “Highway Commercial”.

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RELEVANT CONSULTATION:

Department/Agencies with no concerns or objections:

- Strategic and Economic Planning, Capital Planning and Implementation, Public Works Department.
- Corporate Services Department, Budget and Fiscal Policy Services Section.

Traffic Engineering and Operations Section, Public Works Department, advised:

- Access to Upper James Street must be approximately equal to the road grade to ensure that adequate sightlines are available to motorists turning left out of the access.
- The outbound access design must include two lanes – one left turn lane and one right/through lane.
- The site driveway must align with Alderson Drive centreline to centreline to ensure that northbound and southbound left turn vehicles are not conflicting and also assist with opposing turning movements from Alderson Drive and the proposed development.
- In response to the submitted traffic study report, staff is generally satisfied with the conclusions, stating that all additional points of clarification can be sufficiently dealt with at the Site Plan Control stage.
- It is suggested that the lands at 1725 Upper James Street be consolidated with undeveloped lands to the north for development purposes, which could include a mutual right-of-way established between properties for vehicular and pedestrian access.

All the above issues will be addressed at the Site Plan Control Stage.

Hamilton Municipal Parking Services, Downtown Renewal Division, advises:

- The applicant should ensure that all the parking requirements for this property are contained on site. There is no on-street parking permitted in this area and there are no alternate public facilities that can accommodate overflow parking.

Public Consultation

In accordance with the Public Participation Policy approved by Council on May 29, 2003, this application was pre-circulated to forty-three property owners within 120 metres of the subject lands. One letter has been received and is attached as Appendix “D”, which is discussed in the “Analysis/Rationale” Section of the report.

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(Hamilton) (PED06096) (Ward 7) - Page 8 of 8**

Notice of the Public Meeting will be provided to the same property owners and a sign has been posted on the site advising of the Public Meeting date.

CITY STRATEGIC COMMITMENT:

By evaluating the “**Triple Bottom Line**”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. Yes No
Participation in community life is accessible to all Hamiltonians.

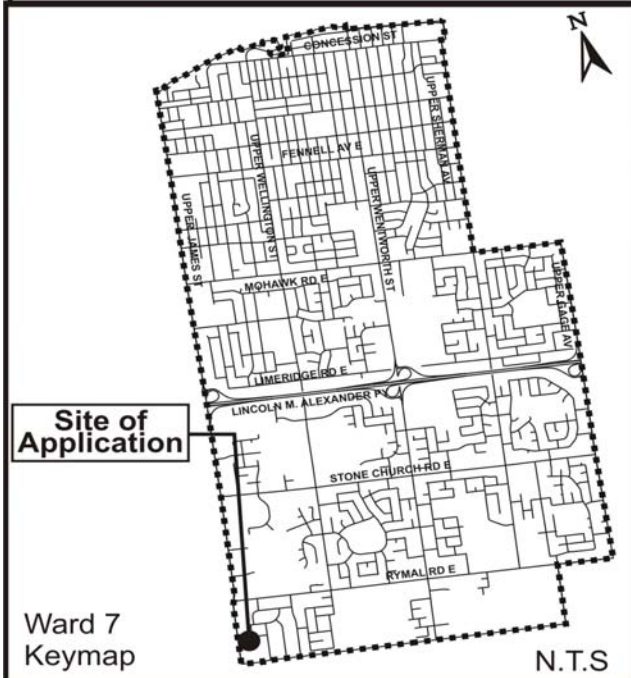
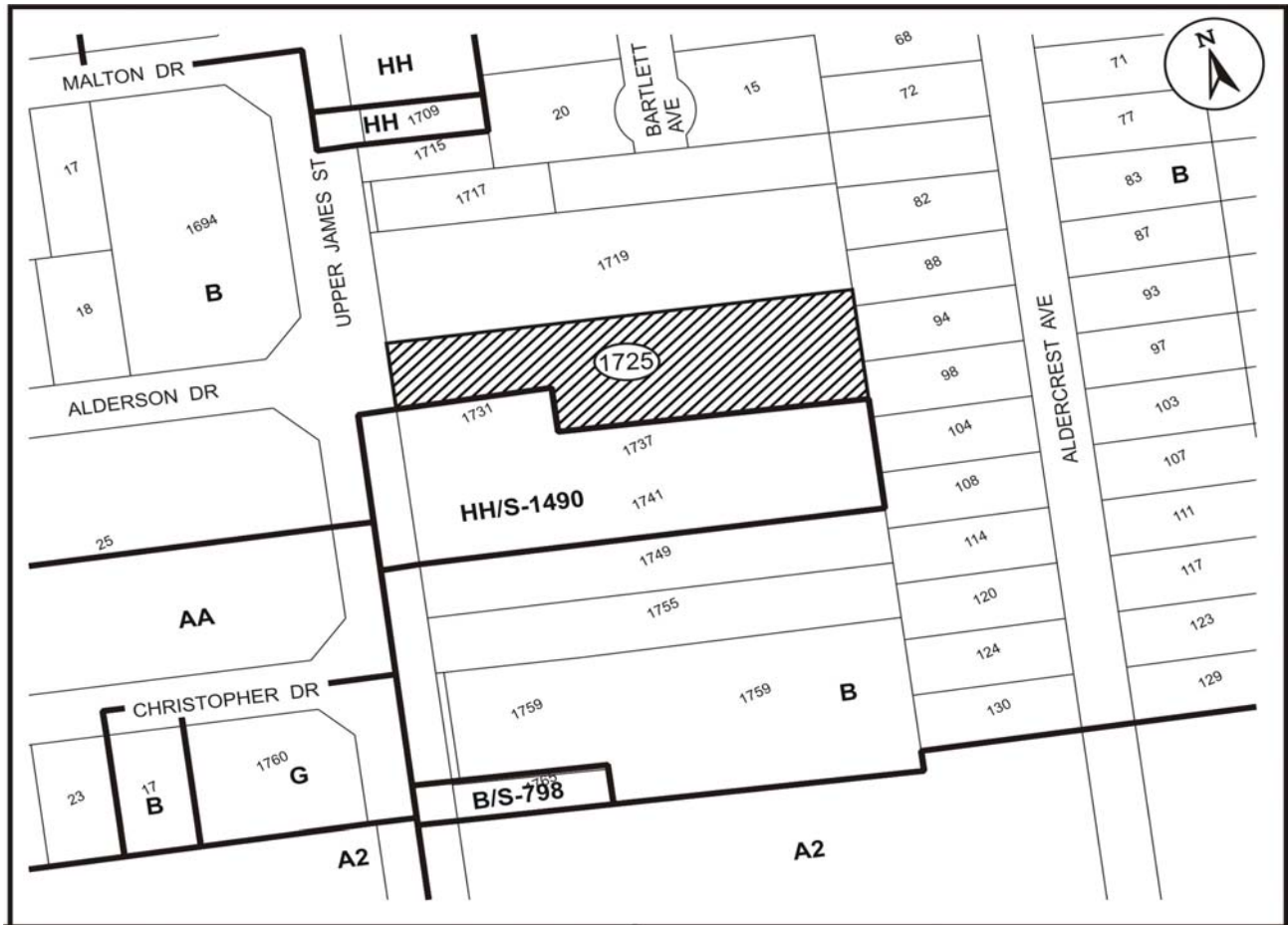
Environmental Well-Being is enhanced. Yes No
Human health and safety are protected.

Economic Well-Being is enhanced. Yes No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines?
 Yes No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
 Yes No

:EJ
Attachs. (4)



Planning and Economic Development Department
Hamilton

Location Map

File Name/Number: ZAC-05-105	Date: October 24, 2005
Appendix "A"	Scale: N.T.S.
Planner/Technician: OQ/MZ	

Subject Property
1725 Upper James St

Change in Zoning from "B" (Suburban Agriculture and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, Modified

T&C File Name: N:\1T&c\Location_Maps\2005\October\core\ZAC-05-105.cdr

Authority: Item, Planning and Economic
Development Committee
Report: 06 - (PED06096)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 6593 (Hamilton),
respecting lands located at 1725 Upper James Street**

WHEREAS the City of Hamilton Act, 1999, Statues of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Hamilton" and is the successor of the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Planning and Economic Development Committee at its meeting held on the day of , 2006, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

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

1. That Sheet No. E-9e of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby amended by changing the zoning from the "B" (Suburban, Agriculture and Residential, etc.) District to the "HH/S-1546" (Restricted Community Shopping and Commercial) District, Modified, on the lands the extent and

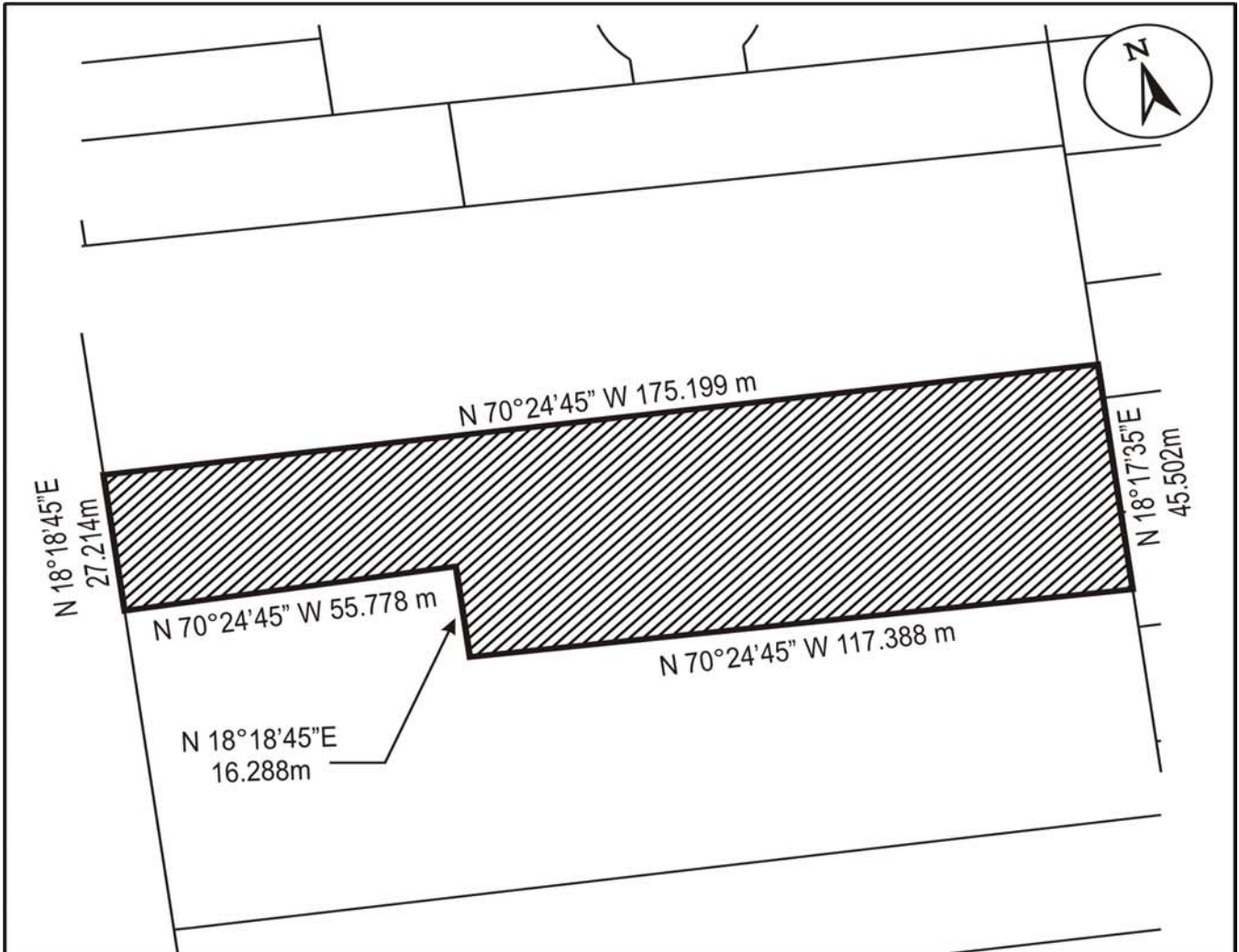
boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the "HH" (Restricted Community Shopping and Commercial) District regulations as contained in Section 14A of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following special requirements.
 - (a) That notwithstanding Subsection 14A (1) (b) and 14A (1) (ca) of Zoning By-law 6593, a restaurant and hotel shall not be permitted.
 - (b) That notwithstanding Section 18A (16) of Zoning By-law 6593, a minimum of 1 loading space shall be provided and maintained for an office.
 - (c) That notwithstanding Section 18A (2) of Zoning By-law 6593, a minimum of 1 parking space per 43 square metres of floor area shall be provided and maintained for an office.
 - (d) That notwithstanding Subsections 14A (7) and 18A (12) of Zoning By-law 6593, a minimum 12 metre wide landscape planting strip incorporating a berm shall be provided and maintained along the entire easterly lot line, and a 1.8 metre to 2.0 metre high visual barrier shall be provided and maintained along the entire easterly lot line.
3. No building or structure shall be erected, altered or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" District provisions, subject to the special requirements referred to in Section 2.
4. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1546
5. Sheet No. E-9e of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1546.
6. 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 day of , 2006.

MAYOR

CLERK



This is Schedule "A" to By-Law No. 06—

----- Clerk

Passed the day of, 2006

----- Mayor

Schedule "A"

Map Forming Part of
By-Law No. 06-____
to Amend By-Law No. 6593



Subject Property 1725 Upper James Street



Change in Zoning from "B" (Suburban Agriculture and Residential, etc.) District to "HH" (Restricted Community Shopping and Commercial) District, Modified



Scale:
Not to Scale

File Name/Number:
ZAC-05-105

Date:
October 2005

Planner/Technician:
OQ/MZ

T&C File Name:

Quinn, Owen

From: Gunter Mensch
Sent: Monday, November 14, 2005 3:01 PM
To: Quinn, Owen
Subject: Rezoning: ZAC -05 -105

Hamilton, Nov. 14th 2005

Dear Mr. Quinn:

Re file: ZAC - 05 - 105
We have no objections to rezoning the area.

We understand that lightposts are needed to secure the parking area but we kindly request that floodlights aiming at our adjacent property will not be installed.

Thank you for your consideration.

G. Mensch, 94 Aldercrest Ave.