

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: February 17, 2006	Prepared by: Paul A. Moore
File No.: ZAR-05-118	(905) 546-2424, Ext. 1262

SUBJECT: Application for a Change in Zoning for Lands Known as 1053-1055 Barton Street East (Hamilton) (PED06069) (Ward 3)

RECOMMENDATION:

That approval be given to **Zoning Application ZAR-05-118, Bowlero Lanes, Haihong Chen, owner**, for an amendment to the Zoning By-law for the City of Hamilton, to amend the "H" (Community Shopping and Commercial etc.) District in order to permit a billiard hall as an additional permitted use on the lands known as 1053-1055 Barton Street East, as shown on Appendix "A" to Report PED06069, on the following basis:

- (a) That the subject lands be rezoned from the "H" (Community Shopping and Commercial etc.) District to the "H" (Community Shopping and Commercial etc.) District, Modified.
- (b) That the draft By-law, attached as Appendix "B" to Report PED06069, 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 City of Hamilton Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

SUBJECT: Application for a Change in Zoning for Lands Known as 1053-1055 Barton Street East (Hamilton) (PED06069) (Ward 3) - Page 2 of 5

EXECUTIVE SUMMARY:

The purpose of the application is to amend the zoning in order to permit a billiard hall as an additional permitted use.

The proposal has merit and can be supported since the amendment to the Zoning By-law conforms with the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan and the Crown Point West Neighbourhood Plan. The proposal is considered to be similar to the existing commercial recreation use and compatible with the surrounding neighbourhood.

BACKGROUND:

Proposal

The applicant has applied to amend the zoning of the lands known municipally as 1053-1055 Barton Street East, (see Appendix “A”) by adding a billiard hall as an additional permitted use. The subject lands contain an existing 2 storey building with bowling lanes on both floors. The applicant is proposing to remove the bowling alley from the second floor and replace it with 21 billiard tables. There are 18 existing parking spaces located at the rear of the building.

Details of Submitted Application

Owner/Applicant: Bowlero Lanes, Haihong Chen, Owner

Location: 1053-1055 Barton Street East, Hamilton

Description: Lot Width: 22.96 metres
Lot Depth: 107.75 metres
Lot Area: 2,473.85 square metres

EXISTING LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Commercial	“H” (Community Shopping and Commercial etc.) District
<u>Surrounding Lands</u>		
North	Residential	“D” (Urban Protected Residential – One and Two Family Dwellings etc.) District
South	Commercial	“H”, “H/S-1317” and “H/S-1058” (Community Shopping and Commercial etc.) District
East	Commercial	“H” (Community Shopping and Commercial etc.) District
West	Commercial	“H” (Community Shopping and Commercial 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 it conforms to the Hamilton-Wentworth Official Plan, City of Hamilton Official Plan, and the Crown Point West Neighbourhood Plan.
 - (ii) The addition of the proposed use to the “H” (Community Shopping and Commercial etc.) District is considered to be compatible with the existing and future land uses in the immediate area.
2. Section 14 (6), Prior Existing Uses, of the “H” (Community Shopping and Commercial etc.) District of the City of Hamilton Zoning By-law No. 6593 only permits billiard halls that existed prior to June 28, 1978 (By-law No. 78-184). This By-law affects all lands zoned “H” throughout the City of Hamilton. By-law No. 78-184 was passed by Council to prohibit new billiard halls, among other uses, in an effort to address potential nuisance factors and spill over effects associated with such uses (i.e. loitering, noise, parking on adjacent residential streets). It is staff’s opinion that the nature of billiard halls has changed since 1978. Parking can be accommodated on site, at the rear of the building, as it has existed since the establishment of the bowling alley in 1952. Issues such as noise would be addressed at the time of occurrence through By-law enforcement.

It is noted that there are three schools located in the general neighbourhood. Memorial Public School is located at the north-west corner of the intersection of Ottawa Street North and Main Street East; Queen Mary Public School is located at the intersection of Cannon Street East and Province Street North; and Holy Family Separate School is located on Britannia Avenue at Kenilworth Avenue North. All three schools are a minimum of 1 kilometre away from the subject lands. Staff is of the opinion that this is a sufficient distance separation between the existing schools and the proposed billiard hall. It is noted that both the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Separate School Board were circulated this application and neither School Board provided comments in response.

Staff is of the opinion that adding the billiard hall as a permitted use on these lands is appropriate as it will be located within a building containing an existing bowling alley, and typically bowling alleys also have billiard tables as the two uses are complementary and similar to each other.

ALTERNATIVES FOR CONSIDERATION:

The applicant could establish any use permitted as of right in the “H” (Community Shopping and Commercial etc.) District on the subject lands. Such uses, for example, would include a business or professional office, bank, beauty parlour, massage parlour, public baths, restaurant, outdoor patio, bakery, dry cleaning/laundry and an animal hospital or kennel.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial – N/A.

Staffing – N/A.

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 for a change to the existing zoning to allow for an additional commercial use, the proposal conforms to the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject lands are designated “Commercial” on Schedule A, Land Use Concept, of the Official Plan. This application conforms to the Official Plan.

Crown Point West Neighbourhood Plan

The subject lands are designated “Commercial” on the Crown Point West Neighbourhood Plan. This application complies with the neighbourhood plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Objection

- Budgets, Taxation and Policy Services, Corporate Services Department.
- Traffic Engineering and Operations Section, Public Works Department.
- Parking Services, Planning and Economic Development Department.
- Forestry Section, Public Works Department.
- Open Space Development and Park Planning Section, Public Works Department.
- Capital Planning and Implementation Section, Public Works Department.
- Culture and Recreation Division, Community Services Department.

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Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 182 property owners within 120 metres of the subject lands. In addition, a Public Notice sign was placed on the subject lands. To date, staff has not received any response from the public.

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**

The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. **Yes** **No**

The establishment of the proposed Billiard Hall within the existing building does not require additional parking or outside operations.

Economic Well-Being is enhanced. **Yes** **No**

Approval of this application will permit a new business to be established in the City.

Does the option you are recommending create value across all three bottom lines?

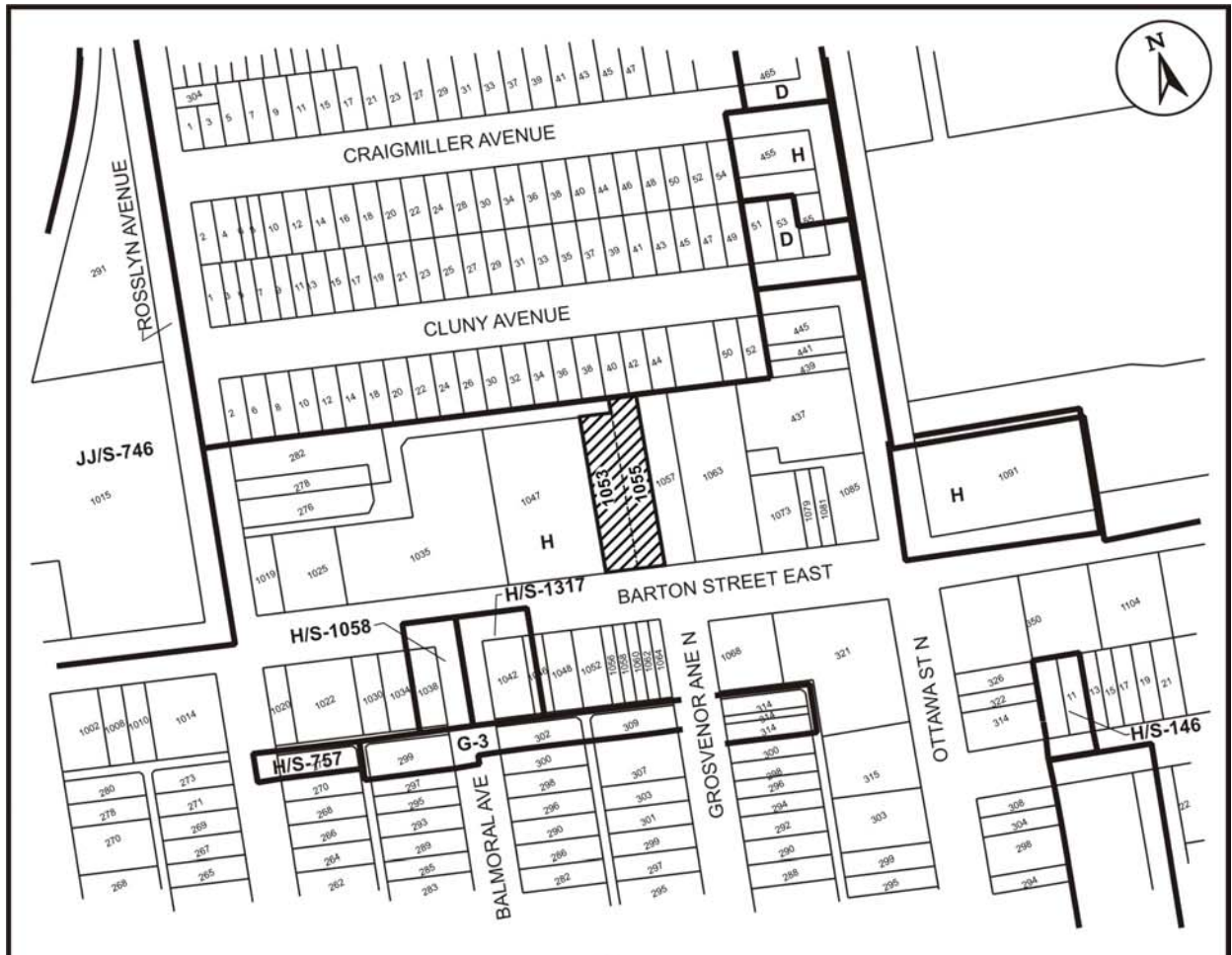
Yes **No**

Do the options you are recommending make Hamilton a City of choice for high performance public servants?

Yes **No**

:PAM

Attachs. (2)



Site of Application



Ward 3
Keymap

N.T.S



Planning and Economic Development Department

Hamilton

Location Map

File Name/Number: ZAR-05-118	Date: December 2, 2005
Appendix "A"	Scale: N.T.S
	Planner/Technician: PM/NB



Subject Property

1053 - 1055 Barton Street East (Hamilton)
Modification to the 'H' (Community Shopping and Commercial, etc.) District

T&C File Name:

Authority: Item, Planning and Economic
Development Committee
Report
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 1053-1055 Barton Street East**

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

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

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.

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

1. The "H" (Community Shopping and Commercial etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593 applicable to the land the extent and boundaries of which are shown on a plan hereto annexed as

Schedule "A", are amended to the extent only of the following special requirement that,

- (a) In addition to the uses permitted in Section 14 (1) of By-law No. 6593, a Billiard Hall and uses accessory thereto shall also be permitted.
2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" (Community Shopping and Commercial etc.) District provisions, subject to the special requirement referred to in Section 1.
3. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1542.
4. Sheet No. E-43 of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1542.
5. 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

ZAC-05-118



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



Planning and Economic Development Department
Hamilton

Subject Property

1053 - 1055 Barton Street East (Hamilton)



Modification to the 'H' (Community Shopping and Commercial, etc.) District



Scale:
Not to Scale

Date:
January 31, 2006

File Name/Number:
ZAR-05-118

Planner/Technician:
PM/NB

T&C File Name: