

**AFFECTS  
WARD 13**

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>Report to:</b>	Chair and Members Economic Development and Planning Committee	<b>Submitted by:</b>	Tim McCabe General Manager Planning and Economic Development Department
<b>Date:</b>	October 15, 2008	<b>Prepared by:</b>	Edward John
<b>Files:</b>	OPA-08-003 and ZAC-08-011		(905) 546-2424, Ext. 5803

**SUBJECT: Applications for Approval of a Change in Zoning and Official Plan Amendment for Lands Located at 201 King Street East (Dundas) (PED08248) (Ward 13)**

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**RECOMMENDATION:**

- (a) That approval be given to **amended Official Plan Amendment Application OPA-08-003, J. Douglas Hammond, Owner**, for Official Plan Amendment No.\_\_\_\_\_, to amend Schedule "A", of the Town of Dundas Official Plan to change the "Parkland" designation to the "General Commercial" designation, in order to permit a self-storage facility on lands located at 201 King Street East (Dundas), as shown on Appendix "A" to Report PED08248, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED08248, 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.
- (b) That approval be given to **Zoning Application ZAC-08-011, J. Douglas Hammond, Owner**, for a change in zoning from the Park and Recreation (H-PR1-FP/S-85) Zone to the Highway Commercial - Flood Plain (C.H-FP/S-115) Zone Modified, to permit the development of a self-storage facility, on lands

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located at 201 King Street East (Dundas), as shown on Appendix “A” to Report PED08248, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED08248, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Dundas Official Plan upon approval of Official Plan Amendment No. \_\_\_\_\_.

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Tim McCabe  
General Manager  
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the application is for approval of an Official Plan Amendment and change in zoning to permit a self-storage facility, in addition to the existing range of uses currently permitted on the site.

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement, and implements the intent of the Hamilton-Wentworth Official Plan. The proposal is compatible with surrounding uses, protects existing environmental features, and is an appropriate development that will reinforce Dundas’ economic vitality by strengthening existing uses and facilitating creation of new employment and economic development opportunities.

**BACKGROUND:**

**Proposal**

The purpose of the application is for approval of an Official Plan Amendment and a change in zoning to permit the development of the lands located at 201 King Street East, for a self-storage facility (see Appendix “A”). The subject lands are currently undeveloped and are located at the northwest corner of Olympic Drive and King Street East, immediately north of Desjardins Canal. Directly to the north is the Dundas Recycling Centre and Solid Waste Transfer Station; and to the southwest, the Dundas Sewage CSO Tank.

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The site is located adjacent to a tributary of Lower Spencer Creek, which traverses the lands immediately east of the property, and the entire site is located within the flood fringe portion of Spencer Creek. The subject lands are also located within the Cootes Paradise Environmentally Significant Area (ESA), which includes Volunteer Marsh directly to the west.

The applicant is proposing to add a self-storage facility to the existing range of uses permitted on the site. The existing site-specific zoning permits the following uses: Parks and playgrounds; Picnic areas; Park maintenance, storage and administrative facilities; Mini-golf; Other recreational uses, including but not limited to swimming pools and tennis clubs; Other amusement and recreational services; and, Restaurants.

Consequently, the proposed development has been assessed against the "Highway Commercial" standards of the "H.C" Zone. However, the permitted uses would be limited to only self-storage and those pre-existing permitted uses. The concept plan illustrates that the proposal would conform to the general built form requirements of the proposed zoning; including the lot frontage, density, and height; however, a modification to the number of parking spaces will be required. This will be discussed in the Analysis/Rationale section of the report (Page 4). Additional modifications will also be recommended to the general Highway Commercial Zone regulations in order to limit the development so that it conforms, and is in compliance with, all the design and environmental constraints of the site. Finally, it should be noted that the proposal would be subject to Site Plan approval, which will assess in detail, design and locational issues.

**Owner/Applicant:** J. Douglas Hammond

**Agent:** Ken Dakin, Andlyn LTD

**Location:** 201 King Street East (Dundas)

**Description:** Frontage: 117.5 metres (King Street East)

Flankage: 173 metres (Olympic Drive)

Area: 2.1ha (Approx.)

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**Details of Submitted Application**

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b>Subject Lands</b>	Vacant	Park and Recreation (H-PR1-FP/S-85) Zone

**Surrounding Lands**

<b>North</b>	Recycling Centre	Utilities (U-FP) Zone
<b>South</b>	Desjardin Canal	Open Space - Conservation Zone (OS)
<b>East</b>	Hydro One Building	Special Policy Area Two - Parkway Belt West Plan Zone (SP2)
<b>West</b>	Dundas Sewage CSO Tank	Utilities (U-FP) Zone

**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 is compatible with the type and form of development in the surrounding neighbourhood.
  - iii) It is an appropriate development that will protect existing environmental features, and reinforce Dundas' economic vitality by strengthening existing uses and facilitating creation of new employment and economic development opportunities
2. The proposal will be subject to Site Plan Approval and, as such, final design and grading details will be assessed at that time. Notwithstanding this, the applicant has submitted a concept plan and an accompanying visual assessment justifying the location and design of the buildings to be constructed (see Appendix "D"). The concept plan illustrates that the use would occupy four low-profile buildings with the end walls flanking Olympic Drive. Site ingress/egress will be provided by a single entrance on King Street East with all buildings conforming in general to

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the proposed Highway Commercial (H.C) Zone. Modifications to the required parking for this zone would, however, be required in order to accommodate the proposed development. This modification, in addition to the design brief, is discussed in detail in the Streetscape Character and Traffic section of the report (Pages 7 and 9, respectively).

3. Staff notes that at the Site Plan stage, the owner will be required to make a cash payment to the City of Hamilton for the future urbanization of King Street East for the resurfacing and construction of curbs and sidewalk on the north side of King Street East, in accordance with Schedule B-2 Pedestrian Trails of the Dundas Official Plan. In addition, notwithstanding the stormwater management brief submitted with the application (S. Llewellyn & Associates Limited, February 2008), staff will require a stormwater management report to address capacity, siltation control, flood protection and quality control facilities. This will be required as a condition of Site Plan Approval.
4. With respect to archaeological potential of the subject lands, staff notes that on the basis of current site conditions and history, review of the designated and listed heritage properties in Hamilton, consultation with City of Hamilton Waste Management Services, and inspection of the Historical Atlas maps, it is determined that there are no archaeological or built heritage concerns with these applications.
5. In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, a Preliminary Circulation was sent to 27 property owners within 120 metres of the subject lands, and a public notice sign was placed on the property. Four responses were received to the preliminary notice of circulation letter (attached as Appendix "E"). Two letters stated concern, with issues including the visual impact of the proposal upon important views of the escarpment, the loss of parkland, and the limited circulation of the public notice. The remaining two letters were in support of the proposal.

In addition, the applicant conducted their own public Open House meeting on May 1, 2008. The meeting was attended by ten members of the public who were given an opportunity to ask questions concerning the proposal. Concerns regarding nesting turtles, methane venting from the site, and views of the Escarpment being blocked were raised and discussed at the meeting. These concerns, and those detailed above, are discussed in the following sections.

6. **Impacts upon the Environmentally Significant Areas**

Given the environmental constraints of the site and its location within an ESA, the applicant submitted an Environmental Impact Study (EIS), prepared by Dougan and Associates, dated February 2008, in support of the proposal. The report concluded that the natural heritage resources associated with this site are

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generally of low quality and low diversity. No provincially or nationally significant plant or animal species were documented, and, given the fact it is comprised almost entirely of sparse vegetation on recent fill, none are expected to occur. With respect to future turtle nesting, the report noted that the proposal is not considered to have an impact, since the proposed development will not encroach onto previously documented and/or potential turtle nesting sites situated along Olympic Drive or King Street East.

The EIS was circulated for review to the Hamilton Conservation Authority (HCA) and ESAIEG committee. Both HCA and ESAIEG are in general agreement with the report's findings. The HCA concur that all building and construction activities must maintain the required 15m setback from the watercourse. The HCA has agreed that limited grading will be permitted in order to achieve a more gentle slope and avoid the need for a retaining wall. This will be conditional on the slope being planted with native shrubs to provide shading benefits and to stabilize the slope. The required buffer will be prescribed in the amending By-law, while the planting will form part of an approved landscape plan that will be required as a condition of Site Plan Approval. In addition to these conditions, the HCA notes that appropriate sediment and erosion control measures must be installed to prevent sediment from entering adjacent and downstream waterbodies. This will be achieved through conditions attached to the Site Plan Approval process as well as through the HCA's own permit process.

**7. Ecological/Flooding Impact**

The entire site lies within the flood fringe of Spencer Creek. Consequently, the subject property has been designated Special Policy Area 3 and 4, which allows development to occur subject to certain floodproofing and environmental requirements being met. In particular, Section 3.10, "Special Policy Areas" of the Dundas Official Plan with regard to Policy 3.10.3.3 b), states:

*"Policy 3.10.3.3 b) all development shall be floodproofed to the regulatory flood elevation..."*

In this regard, the applicant proposes to add additional fill in order to meet flood proofing requirements. The HCA has agreed, in principle, to both the existing fill to remain and the additional fill to be placed along the western boundary subject to a fill permit being obtained. This will form a condition of Site Plan approval. The required grade changes will result in the proposed buildings being elevated above the existing grade. The impacts of this are discussed within the following section of this report.

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**8. Streetscape Character**

Much of the concern has been focused upon the impact of the use in regard to the site's relationship with the character of the surrounding area and the subsequent impact of the built form upon important views of the escarpment. As discussed earlier, it should be noted that the area adjoins uses including a recycling plant and sewage tank. Furthermore, while the site itself has retained a parkland designation in the Dundas Official Plan, and similarly in the site-specific zoning, there is no intention of the City to establish a park in this area. Rather, the site-specific zone, which currently permits commercial uses including, but not limited to, restaurants and take out facilities, is reflective of the commercial opportunities of the site, beyond those uses typically associated with park and recreational type uses. In fact, the attached designations were placed upon the subject lands to reflect the soil bearing conditions of the site, and their inability to accommodate heavy building foundations. Due to these limitations, the site has consequently remained undeveloped despite its location within the Urban Area of Dundas and that it is serviced by existing infrastructure including roads, sanitary sewers, water and storm drainage.

Previous applications for development have been made regarding the subject lands, most notably for a business park (OPA 27), commercial recreation uses (OPA 33), and most recently for a parking lot associated with McMaster University (the latter withdrawn before a decision was made). However, as mentioned, no development has taken place, and instead the site remains vacant and under utilized.

Notwithstanding this, the location of the subject lands does represent an ecologically and environmentally significant feature (discussed above), while in addition offering views across the site from King Street East, Olympic Drive and Cootes Drive of the escarpment. The use of the land, therefore, needs to utilize the existing infrastructure, accommodate the soil stability limitations and necessary flood proofing, while also ensuring ecological, environmental and aesthetic aspects are dually respected.

The grading required to develop the site for the proposed self storage facility would result in the grades adjacent to King Street East to be raised approximately 1 metre (south-east corner) to 2.7 metre (south-west corner). The fill required to floodproof the site would, therefore, result in the scale and bulk of the development appearing more prominent. Consequently, Policy 2.5.3.5 and 3.10.3.4 of the Dundas Official Plan states:

*"Policy 2.5.3.5      New development shall be designed and planned to minimize changes to existing topography, to preserve existing trees and natural features wherever possible, and to be compatible with, and maintain views to the Niagara*

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*Escarpment, the Dundas Valley and other environmentally sensitive or scenic areas.*

*Policy 3.10.3.4 (a) Appropriate urban design measures shall be incorporated into submitted site plans which recognize the proximity of the site to the adjacent and nearby wetland areas, as well as the highly visible nature of the site from Cootes Drive, Olympic Drive, King Street and residential areas on the escarpment which generally overlook the site from the north.”*

In order to address these policies, and ensure compliance, the applicant submitted a visual assessment report. The report included assessment of the profile and orientation of the buildings, taken from different vantage points and taking into account the required grade changes. The report concludes that while the buildings proposed would have an impact, much of the impact would result from the actual grade changes required for any development proposed for this site. Notwithstanding this, the design of the buildings, with regard to their profile and orientation, mitigates as far as reasonably possible, their impact upon the character of the area. Consequently, it is staff's opinion that the visual assessment report compiled by G. O'Connor Consultants Inc. 2008 has identified sufficiently reasonable mitigation methods to safeguard the visual impact of the development.

While these issues will be reviewed and applied in detail at the Site Plan stage, such strategies demonstrate that the use can function on the site without detracting significantly from the character of the area.

**9. Parkland, Open Space and Trees**

It should be noted that the subject lands are not designated for a future park. Therefore, in accordance with the City of Hamilton's Parkland Dedication and Cash-in-Lieu of Parkland By-law, the application is subject to a parkland dedication, or a Cash-in-Lieu of parkland dedication payment. The application would be subject to a parkland dedication based on the use and the total land area of the subject property.

Therefore, in accordance with City By-laws, a cash payment to the City of Hamilton, in-lieu of the conveyance of the land, will be required prior to the issuance of building permits. This requirement will be a condition of Site Plan Approval.

With regard to existing municipal trees on site, the City's Urban Forestry Planning and Protection Coordinator confirmed that there are insignificant Municipal Tree Assets located on the King Street side of this development, and that their removal will be offset by the installation of the 67 proposed Deciduous Trees and



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40 proposed Coniferous Trees shown on the Concept Plan (see Appendix "D"). A Landscape Plan will be required to confirm these plantings and the selection of tree and shrub species as a condition of Site Plan Approval.

**10. Traffic/Parking Issues**

The concept plan (Appendix "D") illustrates that site ingress/egress will be provided by a single entrance on King Street East. The use itself is not considered to be a high trip generator, and the operation of the facility is unlikely to compete with peak travel times. The Traffic Engineering and Operations Section has, therefore, provided comments regarding this application and raise no objections to the zoning application. It is noted that conditions related to sight lines, access permits, and signage will be requested and addressed at the site plan stage.

With regard to parking, it is noted that the By-law would incorporate a reduction to the number of required spaces from 70 to 30 spaces. Given the type and nature of the proposed use, the standard parking regulation applied to Commercial uses is considered excessive, and as a consequence, this modification is considered acceptable. Furthermore, it should be noted that the modification to the required parking and loading spaces will permit a greater level of landscaping to be provided.

**11. Methane**

Concern has been raised with respect to the history of the site and the possibility of methane conditions prejudicing public safety. In response to this concern, the applicant provided a report by Peto MacCallum Ltd., dated October 30, 2007. The report concludes the measures taken in the development of the site would appropriately address the methane management and, therefore, safeguard public safety.

**12. Circulation**

One of the letters raised concern over the distance used for public notice of the application. It should be noted that the application was circulated in accordance with the requirements of the Planning Act. In this regard, property owners within 120 metres of the subject lands were notified, in addition to a public notice sign being placed on the property.

**ALTERNATIVES FOR CONSIDERATION:**

If this application is denied, the applicant can use the subject property for the range of uses that are currently permitted under the existing Park and Recreation (H-PR1-FP/S-85) Zone.

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**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 an amendment to the Official Plan and Zoning By-law.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in settlement areas (Policy 1.1.3.1).

Furthermore, Policy 1.1.1(c) outlines that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. It is considered that the technical reports submitted with respect to managing Methane gases and floodproofing of the site ensure the proposal is in conformity with this policy.

Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified (i.e. significant wetlands) unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. The applicant has completed an EIS for the subject lands and this has met with approval from the Hamilton Conservation Authority and ESAIEG. Consequently, staff is satisfied that the proposal would protect the ecological function of the adjacent ESA.

Lastly, Policy 2.6.2 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 is satisfied, given the history of the site, that there are no archaeological requirements necessary.

**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

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Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

However, Policy C.1.2.2 of the Plan states that land use changes in or adjacent to ESA's will only be permitted where such development:

- i) Will not adversely affect, degrade or destroy any of the qualities which are the basis for the area's designation;
- ii) Will not cause any significant impacts upon water quality and quantity; and,
- iii) Will not adversely affect the implementation of any resource protection policies or plans.

Following consultation with HCA and the ESAIEG group with respect to the submitted EIS and engineering plans, in addition to the requirements that will be requested at the Site Plan Stage, staff is satisfied that the proposal is in conformity with this Policy.

**Town of Dundas Official Plan**

The subject lands are designated "Parkland" on "Schedule A - Land Use Plan". The proposal does not conform to the "Parkland" designation and an Official Plan Amendment is required. The nature of the Commercial use proposed is considered appropriate within the "General Commercial" designation of the Dundas Official Plan. It is noted that while the storage facility is not considered a typical commercial use, it is a quasi-commercial use that will cater primarily to the storage needs of private households and, as such, would conform with the intent of the designation which seeks:

*"Policy 3.3.2.1 To facilitate an adequate supply and variety of commercial uses, at appropriate locations, to meet the needs of residents."*

Furthermore, the proposed use, in addition to the existing permitted uses; which include restaurant, take-out food services and tennis clubs, are considered more in keeping with this designation.

Notwithstanding staff's support of the proposed use, it is not considered, given the environmental constraints, that the subject lands are suitable to permit the range of uses permitted through the "Commercial" zoning and the "General Commercial" designation. Subsequently, to ensure conformity with the general policies of the Dundas Official Plan (detailed below), both the "General Commercial" designation and the Draft Zoning By-law will be limited to the self-storage facility and the limited range of uses permitted under the existing site-specific zoning regulations.

The following policies of the Dundas Official Plan apply to the subject lands:

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*“Policy 2.1.2.6 To assess development proposals, particularly when located in or adjacent to Environmentally Significant Areas, on the basis of their impacts, as well as their net positive and negative contributions to environmental quality*

*Policy 2.1.7.2 Proposal for land use changes in or adjacent to Environmentally Significant Areas, shall be referred through Regional staff, to the Regionally Environmentally Significant Areas Impact Evaluation Group (ESAIEG) for evaluation...*

*Policy 3.10.3.3 b) all development shall be floodproofed to the regulatory flood elevation...”*

It is considered that following the acceptance of the EIS, and accompanying supporting technical information by the HCA and ESAIEG, that the proposal would be in conformity with those policies which seek to protect the natural heritage and ecological function of the area.

*“Policy 2.5.2.5 To preserve and enhance views, vistas, and physical access to natural features and landmarks.*

*Policy 2.5.3.5 New development shall be designed and planned to minimize changes to existing topography, to preserve existing trees and natural features, wherever possible, and to be compatible with, and maintain views to the Niagara Escarpment, the Dundas Valley and other environmentally sensitive or scenic areas.*

*Policy 3.10.3.4 (a) Appropriate urban design measures shall be incorporated into submitted site plans which recognize the proximity of the site to the adjacent and nearby wetland areas, as well as the highly visible nature of the site from Cootes Drive, Olympic Drive, King Street and residential areas on the escarpment which generally overlook the site from the north.”*

It is staff's opinion that sufficient design details and assessment have been carried out prior to Site Plan Approval to ensure the impact of the built form of the proposed use can be sufficiently mitigated in order to satisfy the above policies. The proposal will, however, be subject to additional review at the Site Plan Stage to ensure these design strategies are incorporated. Given the information submitted to date, it is considered that the proposal meets the intent of the Official Plan and, as such, it is not considered necessary to place the subject lands under an 'H' Holding provision to satisfy this and other technical requirements stipulated in the Official Plan for those sites subject to Special Policy Area 4.

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The inclusion of the subject lands within the “General Commercial” Designation, which is the basis of the proposed Official Plan Amendment, in addition to the efforts made to protect and safeguard the natural environment, is considered consistent with the Hamilton-Wentworth Official Plan and the PPS and the goals and objectives of the Official Plan, and as such, can be supported. The proposed Zoning will conform once the Official Plan is amended.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Comment or Objections**

- Traffic Engineering and Operations Section, Public Works Department;
- Hamilton Municipal Parking System, Parking Services;
- Capital Planning and Implementation Division;
- Royal Botanical Gardens;
- Urban Forestry Planning and Protection Coordinator; and,
- Bell Canada.

**Hamilton Conservation Authority**

The HCA advises that any outstanding concerns regarding site grading and drainage, stormwater management, sediment and erosion control, and site restoration planting may be resolved at the site plan control stage. We have no further objection to the approval of the Official Plan Amendment and Zoning By-law Amendment applications.

**Horizon Utilities Corporation** has reviewed this proposal and has the following comments:

- Do not excavate within two metres of hydro poles and anchors;
- Excavation within one metre of an underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense;
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, and all cost associated with this work will be at the owners expense; and,
- CALL BEFORE YOU DIG, arrange for underground hydro cable locates before beginning construction by contacting Ontario One Call @ 1-800-400-2255.

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**PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, a Preliminary Circulation was sent to 27 property owners within 120 metres of the subject lands and a public notice sign was placed on the property. Four responses were received to the preliminary notice of circulation letter (attached as Appendix "E"). Two letters stated concern, with issues including the visual impact of the proposal upon important views of the escarpment, the loss of parkland and the limited circulation of the public notice. The remaining two letters were in support of the proposal.

In addition, the applicant conducted their own public Open House meeting on May 1, 2008. The meeting was attended by ten members of the public who were given an opportunity to ask questions concerning the proposal. Concerns regarding nesting turtles, methane venting from the site and views of the Escarpment being blocked were raised and discussed at the meeting. Notice of the Public Meeting will be given in accordance with the regulations of the Planning Act and by posting a Public Notice sign on the property.

**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 with all concerns raised assessed in detail through technical assessment.

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

Human health and safety are protected following the flood proofing of the site and management of methane gases.

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

Infrastructure and compact development minimize land consumption and servicing costs as the existing underutilised site is developed.

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

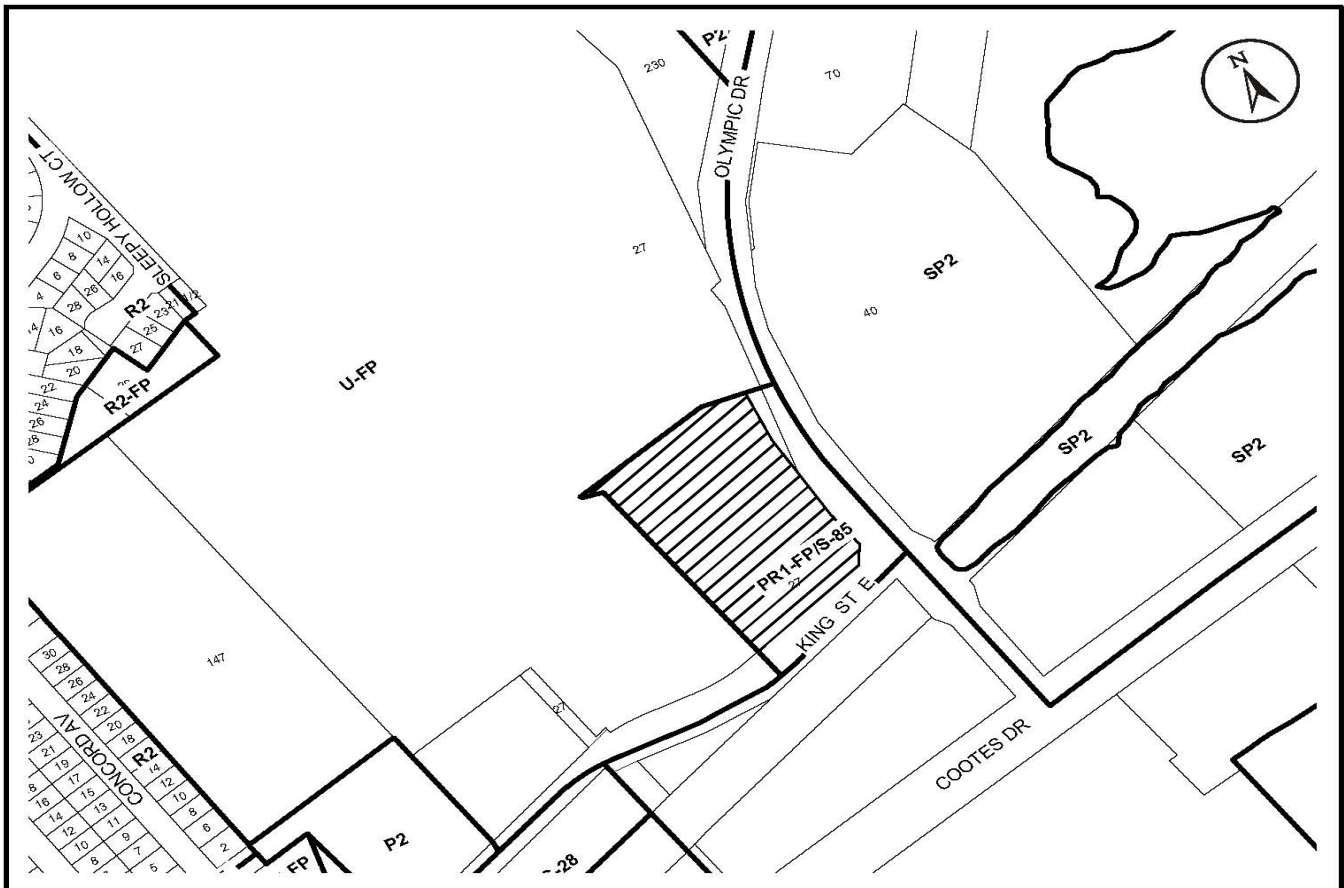
☒ Yes ☐ No

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

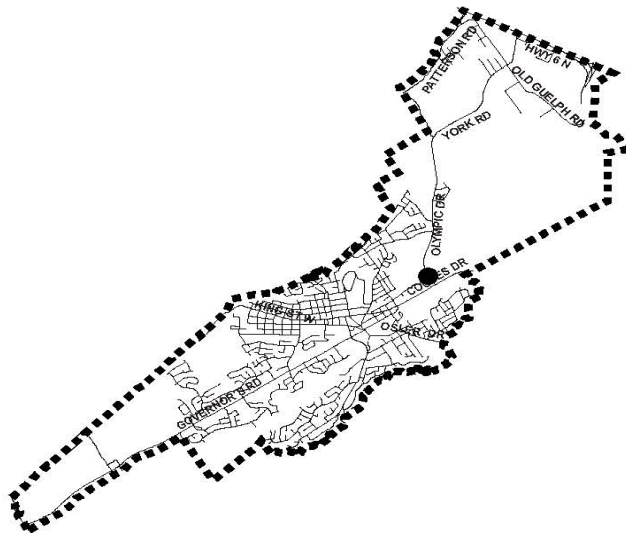
☐ Yes ☒ No

:EJ

Attachs. (5)



● Site of the Application



Ward 13 Key Map

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-08-011/OPA-08-003

Date:  
March 20, 2008

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
EJ/LMM

### Subject Property



201 King Street East

**Schedule "1"**

**Amendment No. \_\_\_\_  
to the  
Official Plan for the former Town of Dundas**

The following text, together with Schedule "A", "Land Use - Town of Dundas Official Plan", of the Official Plan of the former Town of Dundas, attached hereto, constitute Official Plan Amendment No. \_\_\_\_.

**Purpose:**

The purpose of this Amendment is to re-designate the subject lands from "Parkland" to "General Commercial" on Schedule "A", Land Use - Town of Dundas Official Plan, in order to permit a self-storage facility and the range of existing permitted recreational uses.

**Location:**

The lands affected by this Amendment are known municipally as 201 King Street East.

**Basis:**

The intent of the Amendment is to permit a self-storage facility and the range of existing permitted recreational uses. The basis for the re-designation is as follows:

- The proposed development is consistent with the Provincial Policy Statement.
- The proposed development offers an opportunity for infill development within the built-up urban area consistent with the intent of the Places to Grow Plan.
- The proposed development conforms with the Region of Hamilton-Wentworth Official Plan.
- The proposed development is compatible with the existing and planned development in the immediate area, and is in keeping with the character of the surrounding neighbourhood.
- It is an appropriate development that will protect existing environmental features, and reinforce Dundas' economic vitality by strengthening existing uses and facilitating creation of new employment and economic development opportunities



**Actual Changes:**

1. Schedule "A", Land Use - Town of Dundas Official Plan, be revised by re-designating the subject lands from "Parkland" to "General Commercial", and identifying the subject lands as OPA No. \_\_\_\_\_, as shown on the attached Schedule "A" to this Amendment.
2. That the following Policy be added:

Policy 3.3.4 Exceptions

- 3.3.4.1 Notwithstanding the permitted uses of Policy 3.3.3, the following site-specific policies shall pertain to the redevelopment of the lands consisting of an area of approximately 2.1 hectares (5.2 acres) situated on the northwest corner of King Street East and Olympic Drive and identified on Schedule "B-1" as **Exception GC 1**, for a limited commercial development:

(a) the only permitted uses will be as follows;

- i) A self-storage facility
- ii) Parks and playgrounds
- iii) Picnic areas
- iv) Park maintenance, storage and administrative facilities
- v) Mini-golf
- vi) Swimming pools
- vii) Tennis clubs
- viii) Restaurants, licensed
- ix) Restaurants, unlicensed excluding Drive-in restaurants
- x) Take out food services
- xi) Accessory buildings and structures

3. That Policy 3.9.4.6 be deleted in its entirety:

**Implementation:**

An implementing Zoning By-law Amendment will give effect to the intended use on the subject lands. A site plan will be prepared to develop the storage facility.

This is Schedule "1" to By-law No. [REDACTED], passed on the [REDACTED] day of [REDACTED], 2008.

**The  
City of Hamilton**

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Fred Eisenberger  
Mayor

---

Kevin C. Christenson  
Clerk



**Authority:** Item [REDACTED], Economic  
Development and Planning  
Committee  
Report:08-[REDACTED] (PED08248)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY-LAW NO. [REDACTED]**

**To Amend Zoning By-law No. 3581-86 (Dundas),  
Respecting Lands Located at 201 King 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 area municipality known as the "The Corporation of the Town of Dundas" 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** Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report [REDACTED] of the Economic Development and Planning Committee at its meeting held on the [REDACTED] day of [REDACTED], 2008, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

**AND WHEREAS** this by-law will be in conformity with the Official Plan of the City Hamilton (the Official Plan of the Town of Dundas), upon approval of Official Plan Amendment No. [REDACTED] proposed by the City of Hamilton but not yet approved in accordance with the provisions of the Planning Act.

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

1. Schedule "I" of Zoning By-law No. 3581-86 (Dundas) is hereby amended, by changing the zoning from the Park and Recreation (H-PR1-FP/S-85) Zone to the Highway Commercial (C.H-FP/S-115) Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule 'A'.
2. That Section 32 - "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by adding the following subsection:

C.H-FP/S-115      That Notwithstanding the provisions of Section 19: Highway Commercial - Flood Plain (C.H-FP/S-115) the following Special Provisions shall apply to the lands known Municipally as No. 201 King Street East, shown as "C.H-FP/S-115" on Schedule "I".

- (a) Notwithstanding Sub-Section 19.1, Permitted Uses, only the following uses shall be permitted:

- i) A self-storage facility
- ii) Parks and playgrounds
- iii) Picnic areas
- iv) Park maintenance, storage and administrative facilities
- v) Mini-golf
- vi) Swimming pools
- vii) Tennis clubs
- viii) Restaurants, licensed
- ix) Restaurants, unlicensed excluding Drive-in restaurants
- x) Take out food services
- xi) Accessory buildings and structures

- (b) Notwithstanding Section 19.2. Regulations for Commercial Uses, the following special regulations shall apply for all uses:

- (i) Minimum Front yard of 15 metres (King Street East).
- (ii) Minimum interior Side Yard of 7.5 metres
- (iii) Minimum Exterior Side Yard of 15 metres
- (iv) Minimum Rear Yard of 7.5 metres
- (v) Maximum Height of 7.5 metres
- (vi) Maximum Lot Coverage 50%

- (c) Notwithstanding Section 7.12.2.5, a minimum of 30 parking spaces shall be provided and maintained for a self-storage facility.

- (d) Notwithstanding Section 7.13.2, no loading spaces shall be required for a self-storage facility.
  - (e) Notwithstanding Section 7.1.1, parking spaces will be permitted within the required front yard of a self-storage facility.
  - (f) Notwithstanding the definition of LOT LINE FRONT of SECTION 3, DEFINITIONS, the front lot line shall be deemed to be the south boundary of Parts 4 and 5, as shown on Plan 62R-13990.
  - (g) All other provisions of Section 19, Subsection 19.2, as applicable for the Highway Commercial (C.H-FP/S-115), shall continue to apply for a self-storage facility.
  - (h) All other provisions of Section 26, Subsection 26.2, as applicable for the Park and Recreation Zone (PR1), shall continue to apply to all other permitted uses.
- 3. By-law No. 3581-86 (Dundas) is amended by adding this by-law to Section 32 as Schedule S-115, and by deleting Schedule S-85 in its entirety.
  - 4. Schedule "I" of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 1 of this by-law as S-115.
  - 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.

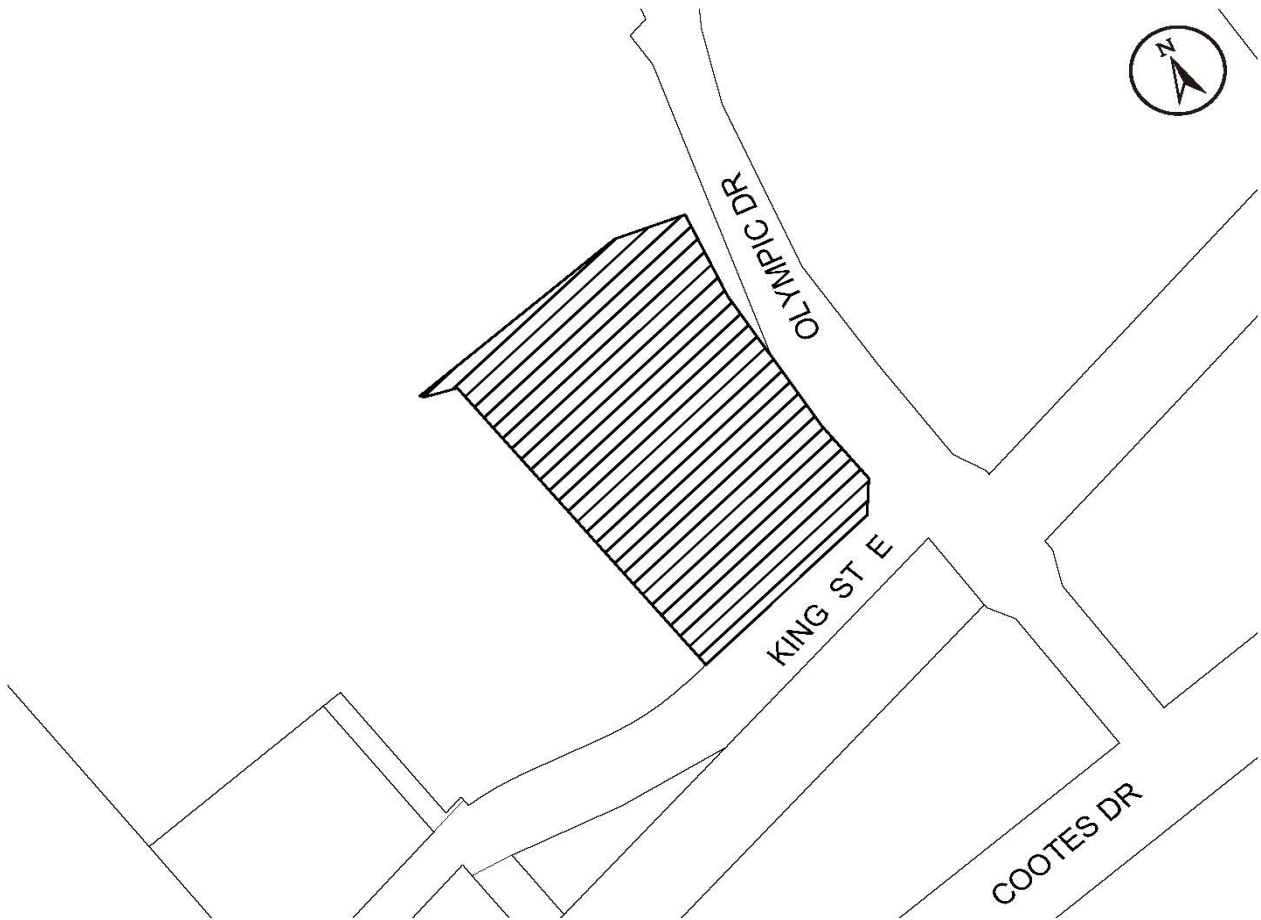

**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2008.

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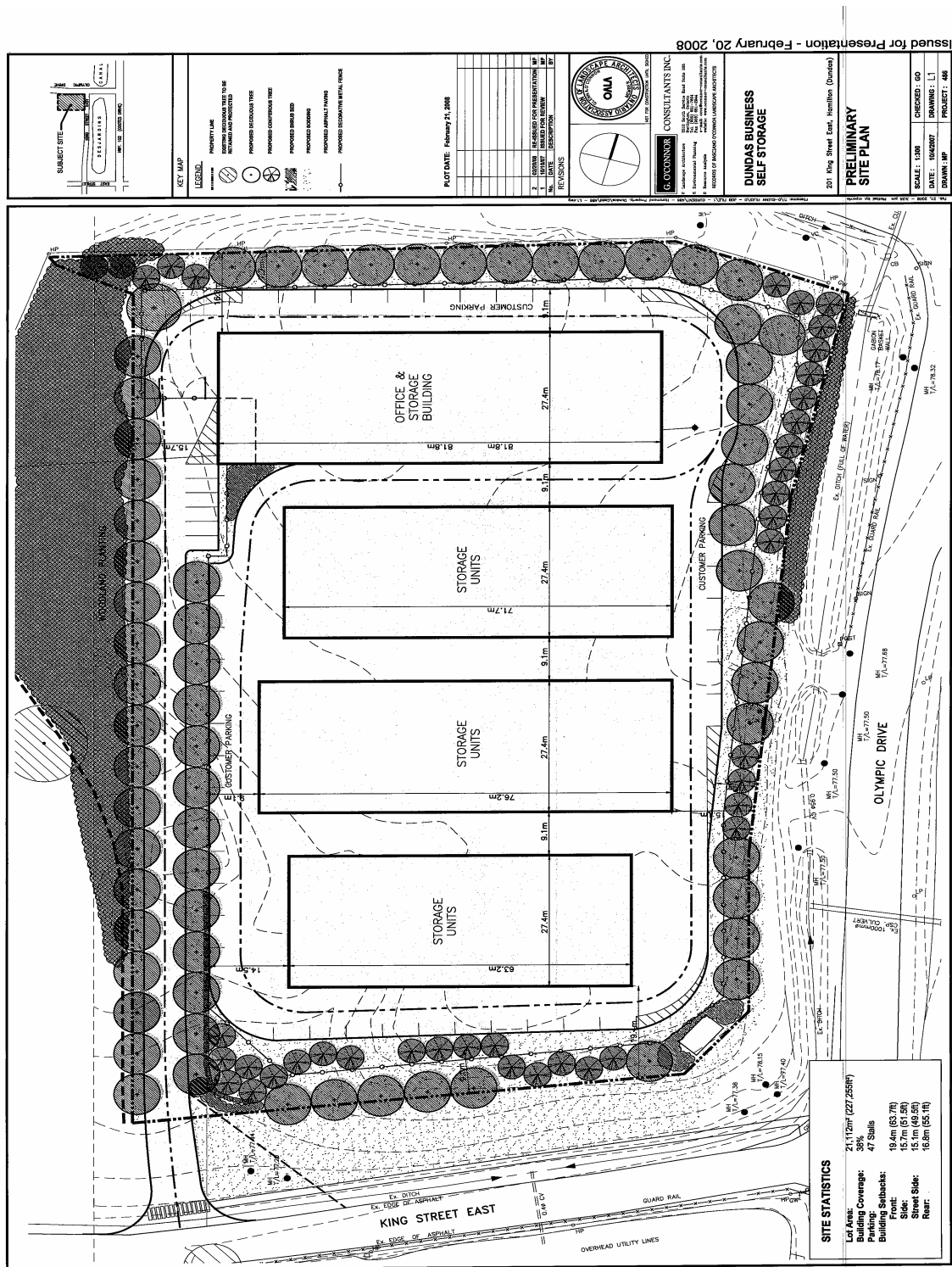
Fred Eisenberger  
Mayor

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Kevin C. Christenson  
Clerk

		
<p>This is Schedule "A" to By-Law No. 08-</p> <p>Passed the ..... day of ....., 2008</p>	<p style="text-align: center;">-----</p> <p style="text-align: center;">Clerk</p> <p style="text-align: center;">-----</p> <p style="text-align: center;">Mayor</p>	
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">Schedule "A"</p> <p style="text-align: center;">Map Forming Part of By-Law No. 08-_____</p> <p style="text-align: center;">to Amend By-law No.3581-86</p> </div> <div style="width: 50%;"> <p><b>Subject Property</b></p> <div style="display: flex; align-items: center;"> <div> <p>201 King Street East</p> <p>Change in zoning from the Park and Recreation (H-PR1-FP/S-85) Zone to the Highway Commercial – Flood Plain (C.H-FP/S-115) Zone, Modified.</p> </div> </div> </div> </div>		
<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAC-08-011/OPA-08-003</p>	
<p><b>Date:</b> March 20, 2008</p>	<p><b>Planner/Technician:</b> EJ/LMM</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

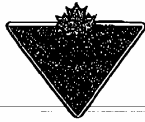
Appendix "D" to Report PED08248  
Page 1 of 1





04/28/2008 MON 12:33 FAX ..... Kenopic Sales Ltd.

002/002



**CANADIAN TIRE**

Letter re Zoning Application

April 14, 2008

Edward John  
City of Hamilton  
Planning and Economic Development Department  
Planning Division – Development Planning – West Section  
77 James St. North Suite 400  
Hamilton, Ontario  
L8R 2K3

Re: File No. ZAC-08-011 / OPA – 08-003

Dear Mr. John:

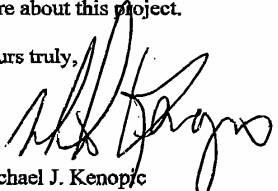
This letter is written in response to the sign that has been erected at the South East corner of Olympic Drive, and King St. in Dundas, Ontario.

Canadian Tire, a long established business in the East End of Dundas, is certainly in favour of this type of development.

We currently lack enough on site storage capacity, and I know through experience, and in talking with customers, and other business owners, this type of facility would enhance Dundas and the surrounding community.

I will be attending the Community Meeting on May 1<sup>st</sup> at the Town Hall, to enquire more about this project.

Yours truly,

  
Michael J. Kenopic  
Owner  
Canadian Tire Dundas

CANADIAN TIRE ASSOCIATE STORE

50 COOTES DR., DUNDAS, ONT. L9H 1B6

04/28/2008 MON 12:33 FAX ..... Kenopic Sales Ltd. 002/002

RECEIVED

SEP 18 2008

Thomas L Allen  
58 Melville St  
Dundas ON L9H 1Z9

September 8<sup>th</sup> 2008

Mr. Edward John, Planner – West District  
Development Planning Division  
Planning and Economic Development Department  
City of Hamilton  
77 James Street North  
Suite 250 & 400  
Hamilton City Centre  
Hamilton, Ontario  
L8R 2K3

Dear Sir:

Re: Proposed Dundas Self Storage at 201 King Street East, Dundas, Ontario  
City File No. OPA-08-003/ZAC-08-011

I wish to register my support for the rezoning of the proposed self storage facility at 201 King Street East and Olympic Drive in Dundas.

I believe that this facility would be a practical and popular addition to the Dundas area – something many citizens would find convenient with its proposed central location. It would also seem to me to be completely compatible with property use in the surrounding area; the recycling complex, sewage pumping station, and to the west the Hydro sub-plant and the City's public works yard.

I understand the owner of the site has an experienced self storage operator who would be able to ensure that the site is well maintained and run.

Would you please have my name recorded as a person in favour of the proposed self storage facility.

Yours very truly,



Name: THOMAS L. ALLEN  
Address: 58 MELVILLE ST DUNDAS ON L9H1Z9

Telephone No.: 519-241-1212

**John, Edward**

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**From:** Steve Grzenda [: 1  
**Sent:** Thursday, April 17, 2008 12:54 PM  
**To:** John, Edward  
**Cc:** John Vitulli Jr.; Clark, Brad; editor@ancasternews.com; Mountain News; Ferguson, Lloyd; Eisenberger, Fred; Jackson, Tom; Whitehead, Terry  
**Subject:** 201 King st. East Dundas R: file ZAC 08-011/opa 08-003

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As per our conversation, could you please forward this request to the appropriate clerk.

To Whom It May Concern:

Please be advised that I would like to be added to the mailing list for the above file and property.

Steve Grzenda  
109 Seymour Drive  
Ancaster, Ontario  
L9G 4N3

My initial thoughts are that I would oppose any modification to the recreation/park zoning to allow a Self storage use. By allowing this modification it would not place all self storage owners on the same level playing field.

Secondly, as a developer in this community, I find it very difficult to accept that the City charges levies for parkland dedication to all developers and then would allow a modification to a parkland zoning to allow for a self storage use which should be on industrial zoned land. This is contradictory to city policy to create parks and recreational areas etc. through parkland dedication levies and would only set a precedent for others to follow, to have parkland zoning modified to allow for all and any other uses.

Thirdly, this application should only proceed on a full rezoning basis and not on a modified use basis.

Fourthly, it is recommended that the notice of distribution should be expanded to atleast one mile. As you are aware, under the current distribution of 120M this does not capture any residents who may have a concern converting parkland to industrial use. The current distribution at 120m for this property would only have a few recipients of any notice.

Please forward my opposition to the appropriate authority.

Thanking you in advance.

Steve Grzenda

4/17/2008

**John, Edward**

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**From:** Brian W. Baetz [b  
**Sent:** Saturday, June 28, 2008 8:12 AM a]  
**To:** John, Edward  
**Subject:** Viewscapes

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Hello Edward--Julia via Joanna mentioned that you were interested in the sight angle I was referring to when I mentioned visual impacts of the Hammond proposal. I believe there will be a significant impact on anyone standing at the geese feeding area or walking along King Street East and looking northward. Since the proposed buildings will be oriented east-west and will be highly perched due to the filling, the beautiful views of the Escarpment will be cut off completely. This is only one of many other impacts from this proposed facility.

Many thanks for your consideration.

Brian

Brian W. Baetz, PhD, P.Eng., FCSCE  
Professor of Civil Engineering  
Director, Engineering and Society Programme  
McMaster University