



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 15, 2014
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1125, 1143 and 1185 Wilson Street West (Ancaster) (PED14057) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Greg Macdonald (905) 546-2424 Ext. 4283
<b>SUBMITTED BY:</b>	Neil Everson Acting General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to **Urban Hamilton Official Plan Amendment Application OPA-13-012, by Trinity Development Group Inc. (Owner)**, for a change in designation on Schedule E-1 – Urban Land Use Designations from the “Arterial Commercial” designation to the “District Commercial” designation on a portion of the subject lands, and to establish two Area Specific Policies to be demarcated on Volume 3: Map 1 – Area Specific Policies Key Map and Volume 3: Map A-2 – Area Specific Policies, in order to modify the permitted range of commercial land uses on the subject lands located at 1125, 1143 and 1185 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED14057, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED14057, be adopted by City Council.
- (b) That approval be given to **Zoning By-law Application ZAC-13-044, by Trinity Development Group Inc. (Owner)**, for a change in zoning from the Holding–Shopping Centre Commercial “H-C2-629” Zone to the Shopping Centre Commercial “C2-629” Zone (Block 1); for a change in zoning from the Holding–Shopping Centre Commercial “H-C2-629” Zone to the General Commercial “C3-656” Zone (Block 2); from the Agricultural “A” Zone to the General Commercial

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“C3-656” Zone (Block 3); from the Urban Commercial “C4-130” Zone to the General Commercial “C3-656” Zone (Block 4); from the Holding-Shopping Centre Commercial “H-C2-635” Zone to the General Commercial “C3-656” Zone (Block 5); from the Holding-Shopping Centre Commercial “H-C2-634” Zone to the Holding-General Commercial “H-C3-657” Zone (Block 5); and, from the Holding-Shopping Centre Commercial “H-C2-630” Zone to the Holding-General Commercial “H-C3-657” Zone (Block 6), in order to modify the permitted range of commercial land uses on the subject lands located at 1125, 1143 and 1185 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED14057, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED14057, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Map 5 to Schedule “A” of By-law No. 87-57; and,
- (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. [REDACTED].

## **EXECUTIVE SUMMARY**

The purpose of the applications is to amend the Urban Hamilton Official Plan (UHOP) and Ancaster Zoning By-law No. 87-57, to modify the existing commercial land-use designations and zoning of the subject lands (including a portion of the subject lands that is designated for commercial uses but currently zoned for agricultural uses), to provide for a greater amount of district (retail dominated) commercial uses than arterial commercial uses, on a portion of the subject lands. The net result of the applications is a mixed commercial development over the entirety of the subject lands which encompasses an existing Draft Approved Plan of Subdivision 25T-201005, “Wilson Street Common” (see Appendix “D” for a draft concept plan of the development).

More specifically, the applications would permit a total maximum Gross Floor Area (GFA) of 23,525 sq. m. of commercial uses of which 15,807 sq. m. would be district commercial uses between Blocks B, C, D and E (see Appendix “D”), and 7,718 sq. m. of arterial uses. Further refinement of permitted uses is contained in the implementing By-law will bring the “C2” and “C3” zoning provisions in the Ancaster Zoning By-law into conformity with the proposed delineation of “District Commercial” verses “Arterial Commercial” land use designations in the UHOP. The proposed zoning also includes special setbacks and other zoning requirements to ensure high quality urban design and an ‘H’ Holding provision to apply to Block C (see Appendix “D”) to address the requirement for a Cultural Heritage Impact Assessment.

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The proposal can be supported, as it is consistent with the Provincial Policy Statement (PPS), and conforms to the Growth Plan for the Greater Golden Horseshoe. The proposal complies with evaluation tests for commercial development contained within the UHOP with regard to District Commercial uses and the evaluation of Commercial Market Assessments. It still provides for a range of arterial commercial uses on Block B (see Appendix “D”), while providing a greater range of shopping opportunities for retail and service commercial uses for area residents on Blocks C, D and E. The proposal does not create a new commercial area, but rather, serves to redefine the range of permitted commercial uses in an area already designated, and predominantly zoned, for commercial uses, and which exists in an area already containing a mix of both arterial and district commercial uses.

***Alternatives for Consideration – See Page 23***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** N/A.

**Staffing:** N/A.

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

**HISTORICAL BACKGROUND**

**Proposal:**

The applicant has applied for an Official Plan Amendment to redesignate the southerly portion of the subject lands from “Arterial Commercial” to “District Commercial” (Blocks C, D and E on Appendix “D”) and to establish two Area Specific Policies to further refine the maximum permitted Gross Floor Area (GFA) of district commercial uses.

Proposed changes in zoning allow a maximum of 23,325 sq. m. of commercial, service and office uses (excluding Block A). Generally, the changes include:

- modification to existing “C2” Zone to allow some district commercial uses within the zone
- rezoning various existing Commercial zones and Agricultural zones to “C3”
- adding site-specific restrictions limiting gross floor area, expanding or limiting for commercial uses
- introducing Special provisions related to certain setback reductions, a uniform parking standard, and provisions to regulate façade length along Wilson Street West, are generally carried over from the existing commercial zoning.

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The table below details the Official Plan and zoning changes for each Block as shown on Appendix “D”.

<b>Development Block (Appendix “D”)</b>	<b>Official Plan</b>	<b>Zoning By-law</b>	<b>Proposed Development</b>
<b>Block A</b> (approved by OMB under a previous application)	District Commercial (no change proposed)	Holding-Shopping Centre Commercial “H-C2-630” Zone (no change proposed)	Home improvement store (maximum 14,870 sq.m.)
<b>Block B</b>	Arterial Commercial with Area Specific Policy to permit maximum 10,525 sq.m. of development of which 2,807 sq.m. of District Commercial uses are permitted	Shopping Centre Commercial “C2-629” Zone with further modification (includes Block 1 on Appendix “A”)	Arterial commercial uses with some District Commercial uses (maximum 10,525 sq.m. of which 2,807 sq.m. can be District Commercial uses)
<b>Block C</b>	District Commercial with Area Specific Policy to limit maximum floor area to 13,000 square metres combined with Blocks C, D and E and to allow offices on ground floor	General Commercial “C3-656” Zone (includes Blocks 2, 3, 4 and 5 on Appendix “A”)	District commercial uses including a 4,725 sq.m. supermarket and 4,975 sq.m. of other District commercial uses.
<b>Block D</b>		Holding-General Commercial “H-C3-657” Zone (includes Blocks 6 and 7 on Appendix “A”)	District commercial uses. (3,300 sq.m.)
<b>Block E</b>		Holding-General Commercial “H-C3-657” Zone (includes Blocks 6 and 7 on Appendix “A”)	

**Chronology:**

- July 7, 2011: City Council adopted Regional Official Plan Amendment 43, Official Plan Amendment 37 (to the Ancaster Official Plan) and passed Zoning By-law No. 11-191. These related to applications ROPA-10-002, OPA-10-012 and ZAC-10-35 and jointly served to redesignate and rezone the subject lands for commercial land uses containing a mix of arterial and district commercial uses in response to Council direction as per the resolution of the Committee of the Whole from June 23, 2008, to remove the subject lands from employment with direction that they be included as commercial within the UHOP as part of City of Hamilton's Municipal Comprehensive Review. Approval of the applications was subsequently appealed by Calloway Real Estate Investment Trust.
- July 29, 2011: The Director of Growth Planning approved Draft Plan of Subdivision 25T-201005, "Wilson Street Common" for a subdivision containing a number of blocks for commercial uses and the extension of Portia Drive (see Appendix "E" for the Draft Plan of Subdivision). Approval of the application was subsequently appealed by Calloway Real Estate Investment Trust.
- September 12, 2012: The Ontario Municipal Board (OMB) issued its decision on the above noted planning instruments to only approve the instruments that are consistent with the Arterial Commercial designation in the UHOP and directed the parties to bring forward the necessary updated By-law. The OMB also on this date issued Draft Plan Approval of the Plan of Subdivision.
- March 4, 2013: Applications ROPA-12-002, OPA-12-025 and ZAC-12-072 deemed complete. These applications were to permit district commercial (retail predominant) uses at 1185 Wilson Street West (the motel property). These applications have been superseded by the current applications subject to this report and will be withdrawn at the request of the applicants.
- November 14, 2013: The OMB issues final approval of the implementing Zoning By-law No. 11-191, as amended, which formed a settlement between the two parties to ensure that the By-law was consistent with the Arterial Commercial UHOP designation.

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A total of 31,445 sq. m. of aggregate commercial uses was permitted on the subject lands (which did not include the “C4-130” and “A” zoned motel property which is now included with the subject applications as Blocks 3 and 4 on Appendix “A”).

November 29, 2013: Official Plan Amendment Application OPA-13-012 and Zoning Application ZAC-13-044 deemed complete.

December 5, 2013: Notice of Complete Application and Preliminary Circulation for Official Plan Amendment Application OPA-13-012 and Zoning Application ZAC-13-044 sent to all property owners and residents within 120 m. of the subject lands.

December 17, 2013: Public Notice sign erected on the subject lands.

March 28, 2014: Circulation of Public Meeting to all residents within 120 m. of the subject lands.

**Details of Submitted Applications:**

**Location:** 1125, 1143 and 1185 Wilson Street West (Ancaster)

**Owner/Applicant:** Trinity Development Group Inc.

**Agent:** IBI Group (c/o Sergio Manchia)

**Property Description:** Area: 8.08 ha. (excluding Block A on Appendix “D” and future Portia Drive extension)

Frontage: 471 m. (along Wilson Street West)

Depth: 360 m. (along westerly property line)

**Servicing:** Full Municipal Services upon completion of servicing upgrades and extensions through 25T-201005.

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**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant, motel and single detached dwelling	Holding-Shopping Centre Commercial “H-C2-629”, “H-C2-60”, “H-C2-630”, “H-C2-634” and “H-C2-635” Zones, Urban Commercial “C4-130” Zone and Agricultural “A” Zone
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Open Space	Private Open Space “O1-633” Zone
<b>South</b>	Various general commercial uses including gas station, fast food restaurants, light industrial wholesaling, offices, retail plazas and a cemetery	General Commercial “C3-133”, “C3-136”, “C3-145”, “C3-183” Zones and Open Space (P4) Zone
<b>East</b>	Vacant Land	Agricultural “A” Zone
<b>West</b>	Car dealership and vacant land	Prestige Industrial “M2-520” Zone and General Industrial “M4-521” Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014):**

The application has been reviewed with respect to the PPS. The application is consistent with the policies that focus on growth in Settlement Areas 1.1.3.1. and provides for a mix of commercial land uses which implements Policy No. 1.1.3.2(a). It also contributes to providing for an appropriate mix and range of employment, including commercial uses to meet long-term needs based on Policy No. 1.3.1(a) and (b). Policy No. 2.6.2 is also addressed, in that the existing Draft Approved Plan of Subdivision already provides for archaeological requirements through standard conditions of approval, and the motel property has had its archaeological assessment requirements already cleared by both the Province and the City of Hamilton. On this basis, the proposal is consistent with the PPS.

**Growth Plan for the Greater Golden Horseshoe:**

The subject lands are located within a built-up area, as defined by the Growth Plan. Policy No. 2.2.2 states that population and employment growth will be accommodated by directing a significant portion of new growth to the built-up areas of the community through intensification; by planning for a balance of jobs in communities; and to encourage cities to develop as complete communities with a diverse mix of land uses and a range and mix of employment. In this regard, the proposed development, which serves to make changes only in the form of commercial development already permitted, conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

**Urban Hamilton Official Plan:**

The UHOP designates the subject lands as “Arterial Commercial” on Schedule “E-1” - Urban Land Use Designations. The applicant has proposed to change the designation to “District Commercial” on only the southerly portion of the subject lands (lands south of the Portia Drive extension shown as Blocks C, D and E on Appendix “D”) with the lands to the north remaining as “Arterial Commercial” (Blocks A and B on Appendix “D”).

Area Specific Policies are proposed for Blocks B, C, D and E (see Appendix “D”) to provide for certain maximum floor areas; to allow limited office uses on the ground floor within the District Commercial designation; and, to allow limited (approximately 20%) district commercial uses on Block B (see Appendix “D”).

The UHOP contains general policy direction in Section E.4 for all of the commercial land use designations, then more specific policies that pertain only to the District Commercial (E.4.7) or the Arterial Commercial (E.4.8) designations.

General commercial policy goals (E.4.1.4 to E.4.1.6) speak to providing an appropriate distribution of commercial uses in each neighbourhood and across the city and to direct land extensive retail uses requiring outdoor storage and sales to arterial commercial areas.

Policies E.4.2.5 and E.4.2.6 note that a more limited range of retail uses shall be permitted in the District Commercial designation to serve the shopping needs of residents in surrounding neighbourhoods in a non-mixed use environment, while retail and service commercial uses catering to the travelling consumer and land extensive retail establishments, are directed to the Arterial Commercial designation.

Finally, Section F.3.2.7 sets out the matters to be addressed in a Commercial Needs and Impact Assessment.

The following policies, among others, are applicable to the subject lands and to aid in evaluating the potential merit for the proposed Official Plan Amendment:



*“E.4.2.8 Applications for retail and service commercial uses or areas greater than 25,000 square metres in gross floor area that are not of an arterial commercial nature shall require an amendment to the urban structure to create a new Urban Node or extension of an Urban Corridor.*

*E.4.2.10 It is not the intent of this Plan to create additional major commercial areas exceeding 25,000 square metres of retail and commercial space which are not mixed use.”*

These policies address new commercial areas greater than 25,000 sq. m. In this regard, the proposed application proposes 15,807 sq. m. of district commercial uses combined between Blocks B, C, D and E (see Appendix “D”) and 7,718 sq. m. of arterial commercial uses. This square footage is well below the 25,000 sq. m. cap, before which an amendment to the urban structure is required, based on Policy No. E.4.2.8. In addition, the total amount of floor area permitted on the lands subject to the current planning applications is 23,525 sq. m., which is also less than the 25,000 sq. m. referenced in Policy No. E.4.2.10.

Furthermore, the proposal alters the types of commercial uses already permitted on the subject lands by the UHOP, and therefore it does not create or establish a new major commercial area. The arterial commercial designation already exists in the Official Plan and Zoning By-law permissions, and therefore the intent of the policy is not applicable to the subject applications. Finally, while not quoted above, Policy No. E.4.2.9, identifies an area south of the subject lands, on the south side of Wilson Street West, as a major existing commercial area already exceeding 25,000 sq. m., without being identified on the Schedule E – Urban Structure of the UHOP. The Policy notes that an amendment to the urban structure is required, if the amount or type of retail uses is expanded. This Policy does not apply to the subject lands since the lands are outside the area subject to these applications.

*“4.2.11 Official Plan amendment applications for retail or service commercial development exceeding 5,000 square metres of gross floor area shall be required to undertake a commercial needs and impact assessment, in accordance with Policy F.3.2.7 - Commercial Needs and Impact Assessment. The Commercial Needs and Impact Assessment shall assess the impact of the proposal on designated retail areas and the potential for negative impacts to the planned function of these areas. Impact on planned function may include store closures, loss of vitality within the Node or Corridor which may affect the attraction or success of other land uses, or diminishment of the role and function of the structural element or the designation.”*

As the proposed development alters the type of commercial uses currently permitted, and the amount of general retail (i.e. District Commercial) proposed exceeds 5,000 sq.

m. of gross floor area, the applicant did submit a Commercial Needs and Impact Assessment. The report was also peer reviewed. A more detailed discussion of the findings is contained in the Analysis and Rationale for Recommendation section of this report, but in general terms, the findings were that there is a need for additional retail space in the area based on existing and future supply, that the location is appropriate, and that it would not impact the viability of other commercial areas. The independent peer review of the study concurred with the original studies' methodology and findings.

Section E.4.7 provides policy framework for the District Commercial designation which applies to the proposed District Commercial designation on the southerly portion of the subject lands:

*“E.4.7.1 The range of retail uses are intended to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods. The District Commercial areas shall also serve as a focus for the adjacent neighbourhood(s) by creating a sense of place.”*

The above noted policy is a description of the function of the District Commercial designation. In this regard, the proposed development does provide retail uses to serve the daily and weekly shopping needs of surrounding neighbourhoods by providing a potential supermarket (i.e. grocery store) use on a portion of the lands. It should also be noted that the preamble to this Policy (Policy No. E.4.7), also advises that new commercial areas should be designed to create an improved street presence by bringing the stores up to the edge of the street. A modification in the Zoning By-law to permit reduced setbacks implements this policy.

*“E.4.7.2 The following uses shall be permitted on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:*

- a) commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;*
- b) offices provided they are located above the first storey;”*

The proposed development would allow for a range of retail, service commercial, and office uses, in accordance with the District Commercial policies on the southerly portion of the subject lands (Blocks C, D and E on Appendix “D”). None of the prohibited District Commercial uses identified in Policy No. E.4.7.3 would be permitted on the southerly, proposed District Commercial designated lands. The proposed Area Specific Policy on Blocks C, D and E (see Appendix “D”), would allow office uses on the ground floor. The intent of the policy is to ensure the retail and service commercial uses providing shopping needs for residents, are primary over office uses, which are more employment based and are not utilized as often by the public on a weekly or more

frequent basis. However, as the amount of office space proposed is limited in accordance with Policy No. E.4.7.8 (office space is a maximum of 2,000 sq. m. per lot), the office component is clearly still secondary to the principle retail component, and can be supported.

*“E.4.7.6 The preferred location of a new District Commercial designated area is at the intersection of a collector road and a major or minor arterial road.”*

The proposed District Commercial lands (Blocks C, D and E on Appendix “D”) front directly onto Wilson Street West, a major arterial road. The proposed McClure Road extension and Portia Drive will also service the lands. A roundabout is proposed at the intersection of McClure Road and Wilson Street West. While McClure Road is not identified formally as a collector road, its primary purpose is to provide proper vehicular access to the subject lands (including the arterial commercial lands on the north side of the subject lands), and to link to Portia Drive and Mason Drive to the west. As McClure Road serves to link Portia Drive to Wilson Street West, it actually functions as a collector road, and the intent of the policy is being maintained.

*“E.4.7.7 The maximum amount of retail and service commercial floor space permitted in an area designated District Commercial shall be 25,000 square metres.”*

As previously noted, the proposed development permits a maximum of 15,807 sq. m. of District Commercial (primarily retail based) uses on the District Commercial lands on the south portion of the subject lands (Blocks B (in part), C, D and E on Appendix “D”). This amount is less than the maximum 25,000 permitted, and part of Block B north of Portia Drive.

Policies E.4.7.10 through E.4.7.17 provide design direction for District Commercial areas and promote buildings being located up to the street edges; elimination of parking between a building and a street; high quality landscaping along the street edge; and, promotion of building entrances facing the street. In this regard, the initial design (see Appendix “D”) implements many of these provisions. By-law restrictions, many of which are already in place for the subject lands, are proposed to reduce setbacks, require landscaping, and regulate façade lengths and the amount of window glazing to implement these policies. A Commercial Design Brief has been submitted by the applicants in support of the proposed design. However, as the design is currently purely conceptual at this stage, the final design will be reviewed at the Site Plan Control stage of development to ensure a high quality urban design.

Section E.4.8 provides policy framework for the Arterial Commercial designation which applies to the northerly portion of the subject lands (Blocks A and B on Appendix “D”). In this regard, the northerly portion of the subject lands will remain as Arterial Commercial, except for a proposed Special Area Policy on the westerly portion of the

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northerly lands (Block B on Appendix “D”) to allow a small percentage of that parcel to permit district commercial uses.

*“E.4.8.1 The range of permitted uses is intended to cater to the traveling or drive-by consumer. As well, the designation is intended to accommodate a limited range of land extensive retail stores which require outdoor storage or sales.*

*E.4.8.2 The following uses shall be permitted on lands designated Arterial Commercial on Schedule E-1 – Urban Land Use Designations:*

- a) commercial uses including banquet halls, restaurants including garden centres, furniture stores, building and lumber supply establishment, home improvement supply store, and retail primarily for the sale of building supplies;*
- b) automotive related uses primarily for vehicle sales, service and rental, parts sales, gas bars, car washes, and service stations;*
- c) commercial recreational uses, commercial entertainment uses, excluding theatres;*
- d) industrial supply and service and contractor sales;*
- e) accommodation, excluding residential uses;*
- f) enclosed storage including mini warehousing; and,*
- g) accessory uses.”*

The northerly portion of the subject lands will remain Arterial Commercial (Blocks A and B on Appendix “D”) with the range of permitted uses in the Zoning By-law consistent with the range of uses permitted for in the Arterial Commercial designation. In addition, the specific prohibited uses contained within Policy No. E.4.8.3, will continue to be prohibited within the Arterial Commercial designation. However, a Special Area Policy is proposed on the westerly portion of the Arterial Commercial designated lands (Block B on Appendix “D”) to permit 30% of the total permitted gross floor area to be district commercial in nature (maximum of 2,807 sq. m. out of 10,525 sq. m.). As the predominant land use would still be arterial commercial in nature, and the Commercial Needs and Impact Assessment completed for the entirety of the proposal shows no impact on the urban structure and existing commercial uses in the surrounding area, the policy modification can be supported.

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As noted further above in the discussion pertaining to Policy No. E.4.2.11, the applicant was required to provide a Commercial Needs and Impact Assessment as the total amount of District Commercial (i.e. retail predominant) uses proposed exceeded 5,000 sq. m. of gross floor area. The required study was prepared by urbanMetrics Inc., and subsequently peer reviewed by Robin Dee & Associates. Implementation Policy No. F.3.2.7.2 sets out the matters that must be addressed in the commercial needs assessment to the satisfaction of the City. For sake of brevity, this full list is not reproduced in the Report, but in summary, the market study must:

- Determine the trade area for the facility and the need for additional retail within the trade area, beyond necessary, for existing uses to remain viable;
- Identify the amount of floor area that could be constructed in the trade area and the net additional needs above current supply;
- Assess opportunities to locate the proposed facility in existing designated areas;
- Assess impact on the urban structure within and outside of the nodes and corridors; and,
- Assess transit viability, and the ability of the development, to be integrated into surrounding neighbourhoods.

The results of the study is that there is need within the trade area for additional district commercial uses, even when considering the amount of vacant land available, and that there would be no negative impact on existing commercial development. Greater discussion on this matter will occur in the Analysis and Rationale for Recommendation section of this Report.

Finally, requirement F.3.2.7.2(j) notes that if the development creates a commercial node or cluster of retail space greater than 25,000 sq. m., it shall only be considered through a Municipal Comprehensive Review. In this regard, the lands subject to the application does not provide for commercial gross floor area in excess of 25,000 sq. m. Although the entirety of the subject lands would have more than 25,000 sq. m., the proposed development is not an expansion or enlargement of the planned commercial gross floor area. All of the subject lands are already zoned and designated for commercial land uses, and it is only the former motel property (a portion of Block C on Appendix "D") being now added into the updated zoning provisions (it is already designated for commercial uses). The Municipal Comprehensive Review has already been completed, with the final results being the Ministry of Municipal Affairs and Housing (MMAH) approving the new UHOP identifying the subject lands for commercial land uses. Therefore, this policy does not apply to the development as it is not creating the cluster, rather just redefining the form of commercial uses.

## **RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Operations and Waste Management Division (Public Works Department).
- Recreation Division (Public Works Department).
- Forestry and Horticulture Division (Public Works Department).
- Taxation Division (Corporate Services Department).
- Ministry of Transportation.
- Grand River Conservation Authority.

The following Departments and Agencies submitted the following comments:

**Traffic Engineering Section (Public Works Department)** had provided comments on the need for a final, updated traffic study, and additional requirements pertaining to the requirement for the construction of the extension of Portia Drive and the roundabout at McClure Road and Wilson Street West, and related daylight triangle dedications. Further requested conditions pertained to restrictions on the location of certain access driveways. The Traffic Engineering Section also advised that there is no longer a need for the 'H' Holding provision, as the amount of additional information needed to finalize the traffic study is minimal. Matters pertaining to road works are already included in the existing Draft Plan of Subdivision. The location of access driveways will be finalized at the Site Plan Control stage of development, but the proposed concept plan (see Appendix "D") already generally addresses these comments.

**Hamilton Municipal Parking System (HMPS)** has advised that after reviewing the draft concept plan, it appears that not all required parking is being provided, and that further parking reductions may not be supported. HMPS did advise that as long as parking is accommodated adequately on site, there is no concern with the proposed development. In this regard, the subject lands already provide for a generic parking ratio of 3.5 spaces per 93 sq. m., which is in line with the parking standards established for multi-unit commercial sites in Ancaster and Hamilton in general. The proposed updated Zoning By-law carries forward this same requirement, and no further reduction is proposed or contemplated. A final review of parking requirements will be conducted at the Site Plan Control stage of development for each parcel of land, and all parking in accordance with the Zoning By-law must be provided onsite.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the Planning Act and Council's Public Participation Policy, Notice of Complete Applications and Preliminary Circulation was circulated to approximately 30 property owners within 120 m. of the subject property on December 5, 2013, requesting public input on the applications. A Public Notice sign was also posted on the property on December 17, 2013, and Notice of the Public Meeting was given, in

accordance with the requirements of the Planning Act. To date, two letters have been received from business owners or their representatives (see Appendix “F”). One business owner wrote to ensure that their existing access driveway to 1172 Wilson Street West would not be impacted. In this regard, while the approved Draft Plan of Subdivision provides for the requirement of a centre median on Wilson Street West from McClure Road heading westerly, it will terminate before the driveway at 1172 Wilson Street West, and should not impact turning movements to that property. The other letter was from representatives of the major commercial centre southeast of the subject lands, and expressed concerns pertaining to UHOP policies regarding the need for amendments to the Urban Structure and a possible Municipal Comprehensive Review. A review of these concerns is contained in the Analysis/Rationale for Recommendation section of this Report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe;
  - (ii) It conforms with the “Commercial and Mixed Use Designations” policies of the UHOP with respect to providing a mix of commercial opportunities at an appropriate location, and implements more specific policy direction pertaining to the “District Commercial” and “Arterial Commercial” designations;
  - (iii) The peer reviewed Commercial Needs and Impact Assessment has satisfactorily addressed the mandated UHOP requirements to determine the appropriateness of the proposed commercial development; and,
  - (iv) The development serves to alter the range of the commercial uses on lands already designated and mostly zoned for commercial uses, and provides greater flexibility of shopping options for area residents.
2. As discussed throughout the Report, in general terms the proposed development serves to permit District Commercial uses on the southerly portion of the subject lands (Blocks C, D and E on Appendix “D”) with Arterial Commercial uses continuing on the rear of the lands (Blocks A and B on Appendix “D”), subject to an amendment to allow some district commercial uses on the westerly portion of the rear lands (Block B on Appendix “D”). A more detailed description of the specifics of the proposed development, the actual planning instruments being affected or revised, and proposed zoning, is now provided. For reference purposes, this subsection will generally refer to the proposed development concept on Appendix “D”.

### **Block A**

This block of land is not affected by the proposal and is not subject to either the Official Plan Amendment nor Zoning By-law Amendment. It is designated “Arterial Commercial” in the UHOP and is zoned Holding-Shopping Centre Commercial “H-C2-639” Zone, with site specific provisions to limit uses to those arterial in nature only, and to a maximum of 14,870 sq. m. of floor area. The concept plan indicates that Block A would be developed for a Lowe’s home improvement store use, but no formal applications have been received by the City of Hamilton to confirm this.

### **Block B**

This block of land is subject to proposed planning applications, and is located on the north side of the future Portia Drive extension and west of Block A. It is currently also designated “Arterial Commercial” and zoned the same as Block A, except with a current maximum permitted gross floor area of 10,600 sq. m. This block is proposed to remain with the same Arterial Commercial designation and zoning with a slight reduction in maximum permitted gross floor area to 10,525 sq. m., contained in both the new modified Zoning By-law and the Special Area Policy being proposed for the Block. The modified zoning and Special Area Policy is also proposed to allow 2,807 of the 10,525 sq. m. gross floor area to be district commercial in nature which would include banks, offices, beer and liquor stores, pharmacies, gyms, personal services, movie theatres, and retail (but not a supermarket).

### **Block C**

This block of land is located between Portia Drive and Wilson Street West. It includes Blocks 4 and 10 on the Draft Approved Subdivision, as well as another property currently containing a motel. The portions of this block that are already within the subdivision plan have the same Arterial Commercial designation and zoning as lands to the north, except with a cap of 2,815 sq. m. of gross floor area. The zoning also prohibits certain uses that are not consistent with the Arterial Commercial designation such as department stores and supermarkets, and other general retail stores. The motel portion of the property which is 2/3<sup>rd</sup>s of the block, has remnant agricultural zoning, and a site specific commercial zone that permits a motel.

Block C is proposed to be redesignated to “District Commercial” in the UHOP and rezoned to a General Commercial “C3” Zone, with special permission for a maximum 4,725 sq. m. gross floor area supermarket, as well as permissions for convenience retail, gyms, farmer’s markets, office uses, and liquor stores. The zoning will also cap other uses beyond the supermarket to 4,975 sq. m. of gross



floor area, for a combined total of 9,700 sq. m. of gross floor area, with a further restriction that only 2,000 sq. m. of which can be office uses. This block, combined with Blocks D and E to the east, are also proposed to be placed into an Area Specific Policy in order to implement a combined development cap, and to permit the limited office uses at grade.

### **Blocks D and E**

These blocks are also currently designated “Arterial Commercial” and are zoned Holding-Shopping Centre Commercial “H-C2-630” Zone. The current zoning caps maximum permitted gross floor area at 3,160 sq. m. and prohibits certain uses that are not consistent with the Arterial Commercial designation such as department stores and supermarkets, and other general retail stores. Blocks D and E are proposed to be redesignated to “District Commercial” in the UHOP and rezoned to a General Commercial “C3” Zone, with special permission for a two-storey office building, and to also allow the same additional commercial uses as Block C except for a supermarket (which would not have fit on the lands). A maximum gross floor area of 3,300 sq. m. of gross floor area is proposed to be permitted.

3. As noted earlier in this Report, the subject lands (except for the former motel property) are contained within an OMB approved Draft Plan of Subdivision, 25T-201005, “Wilson Street Common”. Through this subdivision, a roundabout will be constructed at McClure Road and Wilson Street West, along with a median along a portion of Wilson Street West. McClure Road will be extended northerly to link to a proposed extension of Portia Drive which will run approximately parallel to Wilson Street West. Portia Drive will continue into lands to the west and ultimately link to Mason Drive, which would connect to Wilson Street West. The construction of Mason Drive and Portia Drive on the lands to the west has already been secured through previous development applications on those lands. Through the approved subdivision, the road construction will be secured in advance of actual construction for any of the future commercial uses on the subject lands. See Appendix “E” for the approved list of conditions of approval and the draft plan of subdivision.

In addition, the “C2” and “C3” Zones are subject to Site Plan Control. All matters pertaining to on-site grading, servicing, stormwater management, landscaping, fencing, parking layout, final access driveway locations, architectural designs, internal sidewalks and pedestrian connections, etc. will be addressed at that stage of the development process.

4. While discussed in detail in the review of the Urban Hamilton Official Plan (UHOP) section of this report, the principal matter for consideration of the proposed development is whether it constitutes good land-use planning,

advancing the overall public interest in permitting the front portion of the subject lands abutting Wilson Street West to be utilised for District Commercial uses, instead of Arterial Commercial uses. In evaluating such proposals, the UHOP sets out policy direction for matters that must be considered in order to allow for a new District Commercial area. In this regard, the policy analysis section already covered that the proposed revision, from Arterial to District Commercial, is at a location appropriate with respect to the general commercial policies in the UHOP, based on its geographic location on a major road. Its proposed urban design implements the design related policies from the UHOP. The proposal does not establish a new District Commercial area over 25,000 sq. m. of gross floor area.

The UHOP does require a market study to be completed to support any proposals for more than 5,000 sq. m. of new District Commercial uses. Policy No. F.3.2.7.2 sets out the matters that must be covered by the market study. In this regard, the applicants did submit a Commercial Needs and Impact Assessment prepared by urbanMetrics Inc., which was subsequently peer reviewed by Robin Dee & Associates. The peer review concurred with both the methodology of the original study, and with its conclusions. In summary, the Commercial Needs and Impact Assessment:

- Identified an appropriate Trade Area for the development in order to determine the overlap between the Trade Area of the proposed development, with those of competing facilities;
- Determined there is a need for additional retail space in the Trade Area, beyond that necessary for existing retail areas to remain viable;
- Identified the amount of retail space that could be constructed within the Trade Area on available land, and determined that the Trade Area is currently healthy with respect to vacancy levels;
- Determined that even when subtracting the future supply of land for retail development in the Trade Area, and including the proposed development in the calculation, that there is still a net additional need for more commercial floor area to serve local needs over future years;
- Noted that there is no existing District Commercial designated area in the Trade Area that could accommodate the proposed development;
- Concluded that the proposed development would not trigger a critical sales impact on existing retail uses in the Trade Area that would directly result in store closures, and that there are a number of positive impacts on the public interest such as greater variety of shopping choices, improved

competitiveness, and enhanced distribution of grocery stores, and employment opportunities and municipal tax revenues;

- Transit availability exists to service the subject lands including two separate bus routes servicing the subject lands. Indeed Council has recently discussed options on how to further improve mountain bus routes, including the #44 Rymal bus that serves the lands;
- There is new residential development in proximity to the subject lands including multiple residential uses on Shaver Road and additional residential uses close-by on Garner Road. Required sidewalks through the development will aid in enhancing pedestrian connectivity; and,
- A Municipal Comprehensive Review is not required as the total amount of floor area within the portion of the subject lands covered by the planning applications, is less than 25,000 sq. m. in its entirety, and substantially less with respect to the amount of District Commercial uses that would be permitted.

Therefore, based on the above, and subject to the Official Plan and Zoning By-law Amendments implementing the required caps on the total floor area for each block needed to limit the total amount of floor area permitted, the proposed revision in the form of permitted commercial uses can be supported. It should be noted that Arterial Commercial designated lands remain both on the subject lands, on lands on the south side of Wilson Street West, on lands immediately to the west of the subject lands. Lands within the employment area further west have site specific policy and zoning permissions for certain arterial commercial uses within the business park.

Finally, it should be noted that throughout this Report, the proposed applications would permit a total of 15,807 sq. m. of district commercial related commercial uses. This amount is below the 25,000 sq. m. threshold, before which requirements for amendments to the Urban Structure and related Municipal Comprehensive Review, would be required. It should be noted that if additional applications to further increase the amount of district commercial uses are proposed either on the subject lands or on surrounding lands, these proposals would be evaluated on a cumulative basis with the 15,807 sq. m. that may be approved through the current applications. It is not the intent of the UHOP to allow multiple new district commercial developments be proposed in the area, each under 25,000 sq. m., but cumulatively over 25,000 sq. m.

5. The Zoning Application would modify the existing Shopping Centre Commercial "C2" Zoned lands on the northwest portion of the subject lands (Block B on Appendix "D") while the southerly portions of the lands will be zoned into two

separate blocks with General Commercial “C3” zoning (Blocks C, D and E on Appendix “D”). Included in the application as part of the proposed changes in zoning, are a number of site-specific zoning modifications. These zoning modifications are mostly to deal with caps on the maximum floor area of commercial uses within each zone (and also for certain uses); for setbacks and other design parameters to address urban design considerations; and, to vary certain permitted uses and prohibit others which is due to the “C2” and “C3” zones in Ancaster Zoning By-law No. 87-57, not aligning in their entirety with the District and Arterial Commercial designations in the UHOP. Many of these modifications already exist in one form or another within the existing zoning on the subject lands.

#### Modifications for Floor Area

To implement Official Plan policy direction on the maximum permitted floor area for District Commercial uses and the results of the Commercial Needs and Impact Assessment, the following floor area caps are required:

- For the “C2” Zoned lands (Block B), the maximum permitted floor area for the arterial commercial uses would be 10,525 sq. m. (of which, 2,807 sq. m. are permitted for certain district commercial related commercial uses);
- For the westerly “C3” Zoned lands (Block C), maximum permitted floor area is 9,700 sq. m. of district commercial uses and offices (of which, 4,725 sq. m. are permitted for a supermarket and 2,000 sq. m. are permitted for office uses); and,
- For the easterly “C3” Zoned lands (Blocks D and E), maximum permitted floor area is 3,300 sq. m. of district commercial uses (of which, 2,000 sq. m. is permitted for office uses).

#### Modifications for Uses

The proposed modification to the “C2” Zoned lands carries forward the exact permitted uses as contained within the existing zoning on the subject lands, except that banks, offices, beer and liquor stores, drugstores, gyms, personal service shops, movie theatres, retail stores (but not a supermarket), and travel agencies would be permitted. These are the uses noted above that would be limited to 2,807 sq. m. of the total 10,525 sq. m. permitted in the zone.

For the “C3” Zoned lands, the zoning would allow the normal range of uses permitted in the “C3” Zone except a supermarket is also allowed, but only on the westerly portion of the “C3” Zoned lands. Other added uses include convenience retail, farmer’s markets, gyms, insurance offices, galleries, and liquor stores, to

be consistent with the intent of the proposed District Commercial designation. The modifications can be supported as they implement the intent of both the Arterial Commercial and District Commercial designations, and findings of the Commercial Needs and Impact Assessment.

#### Modifications for Setback and Urban Design

All of the existing site-specific zoning modifications contained in the existing “C2” Zoning on the subject lands, are being carried forward into the proposed “C2” Zone modifications and proposed “C3” Zones. These modifications relate to allowing minimum 1.5 m. front and side yard setbacks (but with a 3 m. landscaping strip adjacent to a lot line abutting a public street); minimum 10 m. rear yard setback; minimum 30 m. frontage; and, parking at a rate of 3.5 spaces per 93 sq. m. of gross floor area. These modifications can be supported as they reflect the same zoning as already exists on the subject lands, and will allow the buildings to be located close to the public streets in accordance with commercial design policies in the UHOP. The applicant has suggested that “pinch points”, due to the irregular shape of Block D (see Appendix “D”), may result in less than the 3 m. landscaping strip at certain points. At this stage, staff are not supportive of reducing landscaping at this location, as this is a highly visible portion of the property where a high quality of landscaping provides important streetscape buffering.

However, the existing zoning also requires that for buildings located within 20 m. of Wilson Street West, the minimum façade shall be 40% of the lot line abutting Wilson Street with a maximum 6 m. setback, minimum 50% façade composed of windows and doors, and, no parking or driveways between the building and the street line. The applicant is proposing to carry forward some of these provisions but not all. More specifically, the applicant has requested the elimination of the requirement for 50% windows and doors along the façade facing Wilson Street, and to reduce the minimum façade length to 35% from 40%. Staff do not support these reductions as they are contrary to the intent of the commercial design principals in the Official Plan and are contrary to the intent of commercial design principals in the Council adopted Site Plan Guidelines. However, for some increased flexibility, staff are amenable to decreasing the amount of window or door treatments facing Wilson Street to 40% from 50%, to clarify that the minimum 40% façade length can be calculated excluding the main access driveway and a stormwater management bioswale feature, at the southwest corner of the lands.

6. The existing zoning of the subject lands is included in a ‘H’ Holding Provision which cannot be lifted until such time that a final Traffic Impact Study is submitted, and until restrictions concerning water supply are addressed. Through the review of the applications, the Engineering Approvals Section has

advised the water servicing matter has been adequately addressed through the related subdivision conditions of approval, and that the 'H' Holding Provision is no longer required. In addition, the Traffic Engineering Section has also advised that the amount and type of final information required to approve the Traffic Impact Study is minimal, and similarly, the Holding Provision is no longer required.

Through the review of the applications, Cultural Heritage Planning staff noted that the existing dwelling at 1143 Wilson Street West (which is proposed to be removed) is identified in the 1875 and 1903 County Atlases, but not in the Heritage Inventory. Despite this, the UHOP does require Heritage Impact Assessments for properties identified as having heritage value, even if they are not in the inventory. In this case, the requirement for a Cultural Heritage Impact Assessment is required prior to removing the 'H' Holding Provision on the southerly portion of the subject lands (applicable to Blocks D and E on Appendix "D"). The applicants have advised that they disagree with this requirement and will likely initiate further discussions with staff on the heritage status of the dwelling. The 'H' Holding Provision will be worded to allow some flexibility in that should it be determined that a Cultural Heritage Impact Assessment is not required, then the provision can be lifted.

7. As noted in the chronology section of this Report, the subject lands were the subject of previous applications for Official Plan Amendments, Changes in Zoning, and a Draft Plan of Subdivision. Those applications, which were approved by the City of Hamilton in 2011, were to permit a range of commercial lands uses on the subject lands. Approval of those applications was appealed to the Ontario Municipal Board (OMB) by owners of a nearby commercial centre. The OMB, in its decision from 2012, ruled that only arterial commercial uses could be permitted on the lands. The OMB decision noted that while the UHOP was not yet in full force and effect, the previous applications did not adequately address UHOP policies requiring a commercial market study for applications permitting more than 5,000 sq. m. of district commercial land uses. Since a market study had not been submitted, the OMB was unable to deem the applications as being in conformity with requirements of the UHOP. Now that the UHOP is in place, and the applicants have submitted the necessary studies, they can now be evaluated fully against the UHOP.
8. The Public Consultation section of this Report noted that two letters were received from local businesses. One letter was already discussed and addressed in the Public Consultation section of the Report, as it has been determined that the proposed median on Wilson Street West would not impact that particular property's driveway. The other letter is from the representative of the commercial development southeast of the subject lands (that contains the Canadian Tire and Wal-Mart stores). The primary concern raised is that they do

not feel the commercial policies in the UHOP are satisfied with respect to the requirement for a Municipal Comprehensive Review being required if a development creates a commercial cluster over 25,000 sq. m. (Policy No. F.3.2.7.2(j)). In addition, the letter also expressed concern that the proposal does not address Policy No. E.4.2.8 and No. E.2.2.4, which note the requirement for an amendment to the Urban Structure for applications containing retail and service commercial uses over 25,000 sq. m. not of an arterial nature. Policy No. E.2.2.4 states that amendments to the Urban Structure can only be done at the time of the 5-year review of the UHOP.

In response, it must be clear that the proposed application only serves to alter the form of commercial uses already permitted. The Municipal Comprehensive Review has already been completed, and resulted ultimately in the Ministry of Municipal Affairs and Housing in approving the Urban Hamilton Official Plan with the subject lands designated “Arterial Commercial”. The proposed Official Plan Amendment and Rezoning Application permit a maximum of 15,807 sq. m. of district commercial uses, substantially less than the 25,000 sq. m. threshold. This is not ‘new’ floor area, but rather an alteration to the type of commercial floor area already permitted in the Official Plan and in the Zoning By-law. Therefore, staff are satisfied that approval of the applications does not result in a requirement for an amendment to the Urban Structure and the requisite Municipal Comprehensive Review.

## **ALTERNATIVES FOR CONSIDERATION**

If the application is denied, the lands could be developed for arterial commercial uses in accordance with the current various Shopping Centre Commercial “C2” Zone provisions, subject to removal of the ‘H’ Holding Provisions, except for the motel property which would have to remain with zoning only permitting a motel.

## **ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

### **Strategic Priority #1:**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

### **Strategic Objective:**

- 1.1 Continue to grow the non-residential tax base.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Official Plan Amendment
- Appendix "C": Draft Zoning By-law Amendment
- Appendix "D": Development Concept Plan
- Appendix "E": Conditions of Draft Plan Approval and the Draft Approved Plan of Subdivision
- Appendix "F": Public Comments

:GM

Attachs. (6)