



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 6, 2014
SUBJECT/REPORT NO:	Proposed Zoning By-law Amendment Affecting Lands Located at 125 Wilson Street East (Ancaster) (PED14079) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Timothy Lee (905) 546-2424 Ext. 1249
SUBMITTED BY:	Neil Everson Acting General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Zoning By-law Amendment Application ZAC-13-033, by Sonoma Homes, Owner**, for a change in zoning from the Existing Residential “ER” Zone, to the General Commercial “C3-655” Zone, Modified, with a Special Exception, on lands located at 125 Wilson Street East (Ancaster), as shown on Appendix “A” to Report PED14079, be approved, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED14079, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the amending By-law be added to Map 1 Schedule “B” of Zoning By-law No. 87-57;
- (c) That the proposed change in Zoning is in conformity with the Urban Hamilton Official Plan (UHOP).

EXECUTIVE SUMMARY

The purpose of this application is to change the Ancaster Zoning By-law on lands municipally known as 125 Wilson Street East (Ancaster), in order to permit a commercial development consisting of a two-storey, 496 sq. m. office building, for the purpose of business office and medical clinic uses. In addition, the proposed development will include a parking lot consisting of 18 visitor and employee parking

SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 125 Wilson Street East (Ancaster) (PED14079) (Ward 12) – Page 2 of 20

spaces, including one barrier-free parking space (see Appendix “C”). The implementing By-law will establish site-specific regulations with respect to restricting uses to business office and medical clinic, maximum floor area, yard requirements, and parking requirements (see Appendix “B”).

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement (PPS), conforms to the Places to Grow Growth Plan, the UHOP, and the Wilson Street Secondary Plan. The proposal will allow for an efficient use of land and a redevelopment opportunity for an underutilized irregular parcel of land, provide for employment opportunities within the community, and to provide professional services serving local residents.

Alternatives for Consideration – See Page 19

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal:

The subject property, municipally known as 125 Wilson Street East (Ancaster), is located on the north-west corner of the intersection of Wilson Street East and Dalley Drive (see Appendix “A”). The subject lands are an irregular, triangular shaped parcel of land with one side (westerly) lot line. In addition, there is a hydro corridor abutting and along the rear lot line.

There are limited development opportunities along the eastern and northern portions of the subject property due to its irregular shape of the property, the grade differential to the rear of the subject property, and the presence of trees along the rear lot line. The applicant is proposing a two-storey, 496 sq. m. office building, for the purposes of business office and medical clinic uses, proposed to be constructed on the western portion of the subject lands (see Appendix “C”). In addition, the proposed development includes a parking lot with 18 parking spaces, including one barrier-free parking space, to be located immediately east of the proposed building.

The purpose of this application is to change the zoning from the Existing Residential “ER” Zone, to the General Commercial “G3-655” Zone, Modified, with a Special

SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 125 Wilson Street East (Ancaster) (PED14079) (Ward 12) – Page 3 of 20

Exception, with respect to restricting uses to business office and medical clinic uses, maximum floor area of 500 sq. m., yard requirements, and minimum parking requirements.

Chronology:

September 10, 2013: Application ZAC-13-018 is deemed complete.

September 23, 2013: Circulation of Notice of Complete Application and Preliminary Circulation of Application to all residents within 120 m. of the subject lands.

April 17, 2014: Circulation of Notice of Public Meeting to all residents within 120 m. of the subject lands.

Details of Submitted Application:

Location: 125 Wilson Street East (Ancaster)

Owner/Applicant: Sonoma Homes Inc.

Property Description:

<u>Lot Frontage:</u>	108.25 m.
<u>Lot Depth:</u>	30.4 m. (westerly portion) 0 m. (easterly portion)
<u>Total Lot Area:</u>	1640 sq. m.

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Existing Residential “ER” Zone
<u>Surrounding Lands:</u>		
North	Hydro Corridor	Open Space “O2” Zone
South	Single-Detached Dwellings	Existing Residential “ER” Zone
East	Single Detached Dwellings; Day Nursery; Animal Hospital	Existing Residential “ER” Zone; Existing Residential “ER-225” Zone, Modified; Existing Residential “ER-536” Zone, Modified
West	Hydro Corridor	Open Space “O2” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The application has been reviewed and is consistent with the PPS, which encourages healthy, liveable, and safe communities (Policy 1.1.1); and which focuses growth in Settlement Areas (Policy 1.1.3).

In addition, Policies 1.1.3.4 and 1.1.3.6 state that new development taking place in designated growth areas should occur adjacent to existing built-up areas, which should have a compact form with a mix of uses and densities. Appropriate development standards should be promoted with this type of redevelopment and intensification. The proposal is in keeping with the abutting community with respect to height, scale, and massing.

In addition, Policy 1.3.1 promotes economic development and competitiveness by providing for an appropriate mix and range of employment to meet long-term needs, and providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses, which support a wide range of economic activities. The concept plan meets long term employment growth, as the proposed development will provide for employment opportunities for business office and medical clinic uses.

Therefore, based on the foregoing, the proposal to permit a two-storey business office and medical clinic building is consistent with the PPS.

Places to Grow Plan:

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The subject property is located within the Built-Up Area, as defined in the Places to Grow Growth Plan. The application conforms to Policy 1.2.2, where guiding principles of the Plan are to “build compact, vibrant, and complete communities”, “plan and manage growth to support a strong and competitive economy”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”.

As the proposal is to facilitate the development of a two-storey office building for business office and medical clinic, Policy 2.2.2.1(a), (b), (g), and (h) are met with respect to directing new growth within the built-up areas through intensification, and providing a balance between jobs and housing within the community. As the subject lands are located within the urban area, the proposal meets Policy 2.2.2.1(d), as the proposal is intended to reduce the dependency on the automobile through a variety of uses within an established neighbourhood, and encourage pedestrian activity. In addition, the subject lands are located along an established public transportation route.

The proposal also meets Policy 2.2.3.6, and promotes and facilitates intensification with an appropriate built-form, height, scale, density, and type of development that appropriately complements adjacent land uses. The proposal includes an appropriate built form, massing and bulk, and is sympathetic in height with abutting existing buildings in the surrounding area, including other buildings along the Wilson Street corridor, and the Ancaster Village Core.

In addition, Policy 2.2.3.6(b) promotes a diverse and compatible mix of land uses, including commercial uses that support complete communities. The proposal includes commercial uses that will serve the needs of residents within walking and cycling distance. Based on the foregoing, the proposed development conforms to the policies of the Places to Grow Growth Plan.

Urban Hamilton Official Plan (UHOP):

The UHOP is now in force and effect. The subject lands are designated as “Neighbourhoods” on Schedule “E-1” – Land Use Designations, which permits residential and local commercial uses, as identified in Policy E.3.2.3. As such, the amended proposed development complies with permitted uses. In addition, the proposal is evaluated based on the following policy goals:

- “E.3.1.1 Develop compact, mixed-use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.
- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.”

The proposal will contribute to a complete neighbourhood as the proposal will promote a design that is compatible with the existing abutting uses with respect to height, massing, scale, and built-form. As shown in the concept plan, the proposed building will be constructed on the westerly portion of the subject lands as it provides more development potential (see Appendix “C”). The artist rendering shows the façade will be composed of stone and precast concrete trimming, with decorative signage. The development will also include a portico on the front façade and side façade facing the parking lot. Finally, the roof will be pitched with a variety of materials such as shingles and metal. Based on the foregoing, the amended proposed development conforms to the policy goals of the “Neighbourhoods” designation.

Local Commercial Use:

Local commercial uses are permitted within “Neighbourhood” designations under Policy E.3.2.3d) and within the “Medium Density Residential” designations under Policy E.3.5.4, provided the provisions of Policy E.3.8 – Local Commercial, are satisfied. Under Policy E.3.8.1, local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhood designation. Furthermore, under Policy E.3.8.2, permitted commercial uses include retail and service uses such as financial establishment, medical office, business and professional office, personal service, studios, and art gallery. In addition, Policy E.3.8.8a) limits the gross floor area for any individual office to a maximum of 500 sq. m. This will ensure that the commercial operation does not impact abutting residential uses. In addition, this will limit the type of office such as real estate offices, legal offices, and accounting offices, and prevents larger regional office operations from locating within the designation.

Under Policy E.3.2.6, supporting uses such as local commercial uses should be clustered to create a focal point for the neighbourhood and to facilitate access by all forms of transportation. The subject lands are fully accessible by an existing bus route along Wilson Street East, which will provide for an alternative form of transportation. In addition, there are existing commercial uses abutting the subject lands, providing for a focal point of commercial uses for the community. Therefore, Policy E.3.8.4 is met, as the local commercial uses may be permitted in small single-use buildings such as medical office.

Permitted uses will be limited to professional offices and medical offices (see Appendix “B”), due to land constraints from providing additional parking for commercial uses that create high parking demands and trip generation such as financial institutions, day nurseries, restaurants, and general retail. Based on the foregoing, the proposed development conforms to the local commercial policies of the UHOP.

Scale and Design:

The scale and design of the proposed development is evaluated under Policy B.3.2 of the UHOP, and includes the following:

- “B.3.2.7 The City shall require urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian-oriented, and attractive, and shall comply with the following criteria:
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.

- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.
- d) Development shall improve existing landscape features and overall landscape character of the surrounding area.”

The parking areas and driveway is proposed to be located along the Wilson Street lot line, where under Site Plan control, extensive landscaping in the form of shrubs and trees will be required to reduce the visual impact of locating a parking area parallel to the pedestrian realm.

Furthermore, the proposed development will have direct pedestrian access via a landscaped walkway leading to the front entrance of the building. Due to the proposed reduction of the front yard setback from the Wilson Street lot line, the walking distance from the existing municipal sidewalk will be minimized.

Finally, the surrounding area includes mature trees and extensive landscaping. Existing landscaping on the subject lands will be preserved, especially along the Dalley Drive (rear) lot line, and also along the eastern portion of the subject lands where development will not take place due to constraints due to parcel configuration. A General Vegetation Inventory was submitted by the applicant, and staff have no objections, as the majority of the existing trees will be retained.

Urban Design Policies:

The proposed commercial development has been evaluated against urban design policies of the UHOP, and conforms to Policies B.3.3.1.3 and B.3.3.1.4, with respect to creating pedestrian-oriented places that are safe and accessible, and is transit supportive and promotes active transportation. The proposal will encourage pedestrianism and overall active transportation, by providing a direct landscaped pedestrian walkway to the entrance of the building, without the need to navigate through a parking lot, which is common in contemporary suburban environments. In addition, the subject lands front onto an existing HSR bus route, providing for additional transportation options.

Furthermore, Policy B.3.3.1.5 ensures that new development is compatible with the surrounding area and enhances the character of the existing environment and locale. The proposed two-storey commercial building will have a reduced front yard setback to ensure that the building footprint is consistent with other existing buildings in the area, where buildings are built closer to the street. In addition, height will be respected and be consistent to existing one- and two-storey buildings in the community. Finally, the use of durable materials along the front and side façade, such as stone, and copper shingles, will project the proposal as sympathetic with existing heritage buildings along Wilson Street (see Appendix “C”).

In addition, Policies B.3.3.2.6a) and d), where it states that new development be compatible with the surrounding area and enhance the character of the existing environment by complementing the existing massing patterns, rhythm, character, and surrounding context, and Policy B.3.3.3, where it states that new development should serve to maintain and support existing character, or create and promote the evolution of the character in areas where transformations are appropriate and planned.

As shown in the concept plan (see Appendix “C”), the height, massing and bulk of the proposed building is sympathetic to existing buildings in the surrounding area, as the bulk of the proposed building is similar to other existing buildings in the area. The proposed two-storey commercial office building will be in keeping with similar one- and two-storey buildings in the area. Finally, the use of stone and copper shingles in its façade, will be in keeping with the character other buildings along Wilson Street, in particular with the Ancaster Village Core. In addition, the use of windows will provide for active street animation and “eyes on the street”.

Modifications to the zoning provisions will ensure that the proposed development will be compatible with abutting properties with respect to locating buildings closer to the street for a more comfortable pedestrian environment, commercial activity, and attractive streetscape, and reduction in the parking requirements to reduce the visual impact of a parking area towards the pedestrian realm.

In addition, the building mass is reduced in scale through the stepping back of the upper floors, to create a less imposing building, and to create architectural interest as a result of this unique design. From street level, the stepping of the upper floors will give the impression that it is a lower building than what is being proposed. This design also meets Urban Design Policy B.3.3.3, where new development must maintain and support existing character and scale.

Based on the foregoing, the amended proposal to construct a two-storey, business office and medical clinic building, conforms to the policies of the UHOP.

Wilson Street Secondary Plan:

The subject lands are designated as “Low Density Residential 3” as shown in the Land Plan, to which the proposed professional office and medical office uses are permitted, as identified in Policy 6.9.7.3b)iv). Furthermore, Policy 6.9.7.3b)vi) states that commercial uses within the designation shall be located in predominantly commercial or mixed-use buildings, and that parking shall be accommodated on site. The proposal to permit a two-storey commercial office and medical building, with parking to be accommodated on site, conforms to these policies.

In addition, Policy 6.9.7.3b)vii) states that new development shall ensure the height, massing, scale, and arrangement of the buildings and structures are compatible with the abutting uses. The proposed two-storey commercial office and medical building will be

in keeping with similar one- and two-storey buildings in the area, with respect to height. Furthermore, the bulk and massing of the proposed building will, in general, be in keeping with existing buildings within the community. Finally, the use of stone and copper shingles in its façade will be in keeping with the character of other buildings along Wilson Street, in particular with the Ancaster Village Core.

The Wilson Street Secondary Plan identifies character areas. The subject lands is located within the “Transition” Area, which is a predominantly residential area with a variety of housing types. In addition, Policy 6.9.12.1e), requires new development to complement the distinct character, design, style, building materials, and characteristics, which define each character area. As shown in the concept plan (see Appendix “C”), the mass and bulk of the proposed two-storey commercial office and medical building will be similar to abutting buildings that are characterized as having a smaller building footprint, and are in general one- and two-storey buildings. In addition, the use of stone and copper siding on its façade is sympathetic to existing buildings in the area. Based on the foregoing, the proposed development conforms to the policies of the Wilson Street Secondary Plan with respect to use and urban design.

RELEVANT CONSULTATION

The following internal Departments and external Agencies had no concerns or objections to the proposed applications.

- Hydro One.
- Canada Post.
- Bell Canada.
- Horizon Utilities.
- Taxation, Corporate Services Department.
- Hamilton Conservation Authority.

Budget and Finance (Corporate Services Department):

The applicant/owner is required to pay the Local Improvement Sanitary Server commutation amount of \$298.03.

Urban Forestry (Public Works Department):

There are no municipal trees located on the road allowance in front of the subject lands, and therefore there are no potential urban forestry tree conflicts. However, a Landscape Planting Plan will be required showing the placement of all trees on the development site. This will be submitted at the Site Plan Control stage, where enhanced landscaping will be required as part of the proposed development.

Corridor Management (Public Works Department):

Staff note that a minimum 5 m. by 5 m. visibility triangle between the access limits and the ultimate road allowance limits of Wilson Street East, must be provided to allow for unobstructed views. It must be ensured that the maximum height of any object or mature vegetation cannot exceed a height of 0.7 m.

In addition, the concept plan (see Appendix “C”) includes two parking lots, where the visitor parking lot will provide for 11 parking spaces, and the employee parking lot will provide for seven parking spaces. Each parking lot will have its own driveway access onto Wilson Street. An access permit is required to be granted to allow for additional accesses onto a municipal road. As Wilson Street is a Major Arterial Road under Schedule C – Functional Road Classification under the UHOP, and that the subject property is within close proximity to Dalley Drive, an access permit will be granted for only one driveway access onto Wilson Street, and a second access will not be granted. The granting of an access permit would be addressed at the Site Plan Control stage.

Waste Management (Public Works Department):

The amended proposed development will be eligible for weekly collection of garbage, recycling, organics (where collection is provided), and yard waste through the City of Hamilton, subject to compliance with specifications indicated by the Operations and Waste Management Division and subject to compliance with the City’s Solid Waste Management By-law 09-067.

In addition, the collection of waste will be by automated bin service for garbage, semi-automated cart service for recycling and organics collection, and curbside/roadside service for yard waste collection.

Public Consultation:

In accordance with Council’s Public Participation Policy and the Zoning By-law Amendment, an application was circulated as part of the Notice of Complete Application to 56 residents with 120 m. of the subject lands on September 23, 2013, where two letters have been received expressing concerns with the application with respect to traffic, use, and the potential loss of trees/landscaping (see Appendix “D”). These letters have been addressed in the Analysis/Rationale for Recommendation section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the PPS, which supports economic growth and provides for employment opportunities;

- (ii) It conforms with the Places to Grow Growth Plan, which encourages redevelopment of underutilized land along transportation corridors such as arterial roads; and,
- (iii) Its proposed use conforms to the UHOP with respect to promoting height, scale, and character of the surrounding areas.

2. Zoning By-law Amendment (ZAC-13-033):

The subject lands are currently zoned Existing Residential “ER” Zone, which permits single detached dwellings. To facilitate the proposed commercial development, a change in zoning to General Commercial “C3” Zone is being sought in order to permit commercial uses limited to business office and medical clinic uses. The draft implementing Zoning By-law will limit the maximum floor area to 500 sq. m., modify yard requirements, and parking requirements (see Appendix “B”). These modifications will implement the Urban Design Policies of the UHOP and the Wilson Street Secondary Plan through the reduction of setbacks and parking requirements. The modifications are as follows:

Permitted Uses:

An amendment to the Ancaster Zoning By-law has been sought to permit business office and medical clinic uses in order to facilitate the proposed development. Under Section 22.1 – Permitted Uses of the Ancaster Zoning By-law, the General Commercial “C3” Zone permits a wide range of commercial uses such as restaurants, retail, business/professional office, medical laboratories and medical clinics, personal service, and financial institutions, among others.

Under the draft implementing Zoning By-law (see Appendix “B”), a site specific provision will restrict the permitted commercial uses to business office and medical clinic uses. Furthermore, the definition of medical clinic will be modified to permit a maximum of four medical practitioners, whereas the parent Zoning By-law defines a medical clinic as consisting of more than three medical practitioners. With respect to the provisions relating to the restriction to business offices and a medical clinic, this is to prevent certain commercial uses, such as restaurants and retail uses, from being established in order to minimize impacts, such as noise and odour, on the surrounding residential area. In addition, the zoning amendment will recognize that the unique lot configuration and size limitation of the subject lands will limit its potential to accommodate more intensive further commercial development.

Under the Ancaster Zoning By-law, “Professional Office” is any office such as a real estate office, insurance office, and other professional business offices. In addition, a “Medical Office” is also considered to be a Professional Office if there

are one or two medical practitioners. Conversely, a “Medical Clinic” is used to describe a building used by qualified three or more medical practitioners.

In order to provide additional flexibility to the proposed development, the draft implementing By-law permits a medical clinic of up to four medical practitioners, whereas the current definition of a Medical Clinic does not have a maximum number of medical practitioners (see Appendix “B”). This restriction is predicated on the ability to accommodate adequate onsite parking, as discussed below.

The parking requirements of the Ancaster Zoning By-law require four parking spaces per medical practitioner, to which these requirements have not been modified. As shown in the concept plan (see Appendix “C”), a total of 16 parking spaces is proposed. Restricting the development to four medical practitioners ensures that there is sufficient parking available to both patients and employees, and without overflow parking onto the neighbouring residential areas. In addition, the restriction to four medical practitioners effectively allows the parking requirement to be met and to prevent high trip generation due to an excessive number of medical practitioners practicing onsite. Based on the foregoing, the implementing draft Zoning By-law permits a medical clinic with a maximum of four medical practitioners, in addition to Business Office uses.

The draft zoning modification meets the general intent of the Urban Hamilton Official Plan. As identified under Policy E.3.8.2, permitted uses include business office and medical clinic use. In addition, medical clinics are permitted, provided that it has direct access to an arterial road, as identified under Policy E.3.8.2b). In addition, the modification can be supported through the Wilson Street Secondary Plan, where Policy 6.9.7.3b)iv) permits professional offices and medical clinics. Based on the foregoing, staff are in support of the restriction of permitted commercial uses.

Maximum Floor Area:

An amendment to the General Commercial “C3” Zone has been sought to limit the maximum floor area. Under the Section 3.54 of the Ancaster Zoning By-law, the total floor area for a commercial use is defined as all floors within a building, where the area is measured between the exterior face of the exterior walls or from the centre line of a common wall. This will include hallways, elevators, lobbies/mezzanine, staircases, and mechanical rooms.

The concept plan shows that the floor area of approximately 499 sq. m. within a two-storey building (see Appendix “C”). A site-specific provision proposes to limit the floor area to 500 sq. m. to ensure that the subject lands can accommodate the proposed use, and also meet the necessary parking requirements. In addition, under Policy E.3.8.8a) of the UHOP, a floor area for an office use is limited to 500 sq. m. This will ensure that the commercial operation does not

impact abutting residential uses with respect to parking and privacy. In addition, this will limit the type of offices such as real estate offices, legal and accounting offices, and prevents regional office operations from locating within the designation. Based on the foregoing, the site-specific modification to limit the floor area within the subject lands to 500 sq. m., can be supported.

Front Yard Setback:

As the subject lands front onto two streets (Wilson Street East and Dalley Drive), the Wilson Street East lot line is considered the front lot line. As required under Section 22.2(5) of the Ancaster Zoning By-law, the minimum front yard setback requirement is 3.0 m. Furthermore, under Schedule “C”, an additional 15 m. setback is required from the centreline of Wilson Street East to provide for front yard landscaping, buffering, and privacy.

A reduction in the front yard setback has been requested to 4.8 m. As shown in the concept plan (see Appendix “C”), the proposed two-storey building will be built closer to Wilson Street East to implement urban design policies of the UHOP and the Wilson Street Secondary Plan, with respect to locating buildings closer to the street line for appropriate interaction between public realm and the built environment, and to provide for a more efficient development configuration to permit a more attractive streetscape that encourages pedestrian activity. In addition, the concept plan shows that the majority of the front façade of the building is more than 5.5 m. from the front lot line, and that the outer wall of the unenclosed vestibule extends into the front yard to 4.8 m. from the front lot line. This provides for architectural interest of the front façade of the building as the walls are stepped back from the vestibule.

In addition, the reduction in the front yard setback meets the policies of the UHOP with respect to urban design, where Policy B.3.3.2.3 requires development to respect the existing landscaping, character, and development pattern, and Policy B.3.3.2.4b), where new buildings and structures contribute to the overall appearance and visual cohesiveness of the urban fabric. Furthermore, the requested modification meets E.3.2.8a), where new development be compatible with the surrounding area with respect to setbacks. The proposed development will have a reduced front yard to 3.0 m. that will be similar to abutting residential buildings to the west of the subject lands. This is due to the proposed built form and design of the proposed building, which will resemble a single-detached dwelling with respect to height and bulk. Based on the foregoing, staff are in support of the requested reduction to the front yard setback.

Side Yard Setback:

In accordance with Section 22.2(7) of the Ancaster Zoning By-law, a minimum side yard setback of 7.5 m. is required for a side yard that abuts a residential zone. This is to ensure that there is sufficient distance from abutting residential uses with respect to potential shadowing, bulk, noise, odour, and privacy.

A reduction has been requested to reduce the minimum side yard setback abutting a residential zone to 1.7 m. As shown in the concept plan (see Appendix “C”), the proposed two-storey building will be built on the westerly portion of the subject lands due to the irregular shape of the property. In addition, the minimum side yard setback will be found only on the northern rear corner of the proposed building, where the setback gradually increases in the southerly front corner to 3.3 m. from the westerly side lot line. Due to the type of commercial uses permitted, it is anticipated there will be minimal impact on abutting residential properties. In addition, the concept plan and artist rendering shows that the proposed two-storey building will have a building footprint, bulk, mass, and height consistent with other residential and commercial buildings in the surrounding area.

The reduction in the side yard setbacks satisfy the general intent of the Urban Design policies of the UHOP, where Policy B.3.3.1.5 ensures new development be compatible with the surrounding buildings and enhances the character of the existing environment. In addition, Policies B.3.3.2.6a) and d) states that new development complements existing rhythm and surrounding context. The reduction in the side yard setback to 1.7 m. is generally compatible other the building setbacks of existing buildings along Wilson Street, and meets the general intent of the zone provision. As such these policies are being met. Based on the foregoing, staff are in support of the requested reduction to the side yard setbacks.

Rear Yard Setback:

Under Section 22.2(9) of the Ancaster Zoning By-law, a minimum rear yard setback of 9.0 m. provides buffering from commercial activity in order to minimize noise and privacy impacts on abutting properties, and to accommodate parking in the rear yard. A modification has been requested to reduce the rear yard setback to 3.9 m. to facilitate the proposed development due to the irregular configuration of the subject property (see Appendix “C”).

The reduction can be supported as the subject lands back onto Dalley Drive and an existing hydro corridor, and subsequently do not abut any property along the rear lot line. It is anticipated that the reduction in the setback will not have an impact on other properties. As such, to accommodate the design of the proposal,

staff are of the opinion that this modification will continue to meet the general intent of the zone provision, and can be supported.

Parking Space Requirement for Business Offices:

As required under Section 7.14(b)(ii) in the Ancaster Zoning By-law, the parking requirement for a Business Office is one parking space per 25 sq. m. of floor area, or four parking spaces, whichever is greater. Effectively, a minimum of four parking spaces are required regardless of the office size. As shown in the concept plan, 18 parking spaces, including one barrier-free parking space, will be provided (see Appendix “C”). The applicant has requested to modify the parking requirement for business office to effectively remove the minimum requirement of four parking spaces, however, one parking space per 25 sq. m. of floor area will still be required (see Appendix “B”).

The modification can be supported as a business office can be established without the requirement of providing for four parking spaces, regardless of the size of the size of the business office. In addition, an accessory business office can be established as part of the medical clinic without the provision of four parking spaces. Furthermore, the subject lands are located on a public transit route (Route No. 16 – Ancaster), which provides an alternative form of transportation. In addition, due to the recent reconstruction of Wilson Street East, there are bicycle lanes which provide additional active transportation options. This modification can also be supported through Policy E.3.2.8c) of the UHOP, where local commercial uses are supported, provided that adequate off-street parking can be accommodated onsite, and Policy E.3.8.9c) where the development of commercial uses must be compatible with the surrounding area through the provision of adequate onsite parking.

Based on the foregoing, staff are of the opinion that this modification to the parking requirement will continue to meet the general intent of the zone provision, and can be supported.

3. The proposed building will be built close to the street with a front yard setback of 4.8 m. to the vestibule, and 5.5 m. to the main front façade of the building. This results in an improved overall streetscape, and a more inviting pedestrian environment. The front yard of the building will be landscaped, with the parking area located to the side of the building. A walkway will link the building to the existing municipal sidewalk, providing for a positive pedestrian environment. This design meets Policy B.3.3.9.4 of the UHOP with respect to providing landscaped walkways along buildings to improve pedestrian circulation and access, and where walkways shall be connected to other pedestrian routes such as municipal sidewalks. In addition, under Policy B.3.3.5a), the built form shall create a comfortable pedestrian environment by locating principle façades and primary building entrances as close to the street as possible.

4. The concept plan shows the proposed building will have two pedestrian entrances highlighted by an unenclosed vestibule (see Appendix “C”). The Wilson Street entrance will provide a more direct and inviting pedestrian environment as it directly connects with the existing municipal sidewalk. Furthermore, the easterly entrance facing the parking lot provides convenient access to the parking lot. This design will allow pedestrians to enter the building without the need to traverse through a parking lot, which is more advantageous from an access and internal circulation perspective. The vestibule, with its gabled copper roof, will provide for additional architectural interest to the building. The artist rendering also shows ample glazing along the front side façades, which enhances the overall design of the proposed building. In addition, ample glazing provides “eyes on the street” towards Wilson Street East. The design meets Policy B.3.3.3.5b) of the UHOP where that ample glazing on ground floors create visibility to and from the public sidewalk, assisting in safety and security.

With respect to the bulk and mass of the building, the building will be two-storeys in height, which is consistent and in keeping with existing residential and commercial buildings in the surrounding area. As mentioned above, the gabled roof structure consisting of asphalt shingles and copper roofing material will enhance the overall design of the building. The building footprint and overall bulk of the proposed building will be similar to other buildings in the surrounding area. The overall height, bulk, and massing of the proposed building meets the Urban Design policies of the UHOP. Under Policy B.3.3.1.5, new development is compatible with, and enhances, the character of the existing environment and locale. In addition, Policy B.3.3.3.2, states new development shall be designed to minimize impact on neighbouring buildings by creating transitions in scale, and, ensuring privacy and sunlight to neighbouring buildings.

5. As shown in the artist rendering (see Appendix "C"), the building material to be used in the front and easterly façade will be of high quality material, including stone with precast concrete as a sign insert, and copper shingles on the gable roof of the unenclosed vestibule. The use of such materials is sympathetic to the character of other existing buildings in the surrounding area, including heritage buildings located in the Ancaster Village Core. In addition, the rendering shows that decorative metal signage will be used rather than sign light boxes, with wall sconces to provide light for visibility from the street. This provides for attractive way of advertising a business. The use of natural materials meets the general intent of Urban Design Policies in the UHOP.

The parking lot located to the east of the proposed building will accommodate the parking requirements and needs of the tenants and visitors. Due to the irregular shape of the subject lands, the parking area will be located and be visible from the Wilson Street East lot line. Although the optimum location of the parking lot should be in the rear of the subject lands in order to maximize the pedestrian environment and general streetscape, enhanced landscaping will be required at

the Site Plan Control stage to ensure that the visibility of the parking lot will be minimized from the public realm.

The eastern and rear portions of the subject lands will remain undeveloped or landscaped due to the steep grade along the rear lot line, and the irregular shape of the subject lands closer to the intersection of Wilson Street East and Dalley Drive.

6. The concept plan (see Appendix “C”) includes two parking lots to be located east of the proposed two-storey commercial building. The visitor parking lot will be located closest to the proposed building, and will provide for up to 11 parking spaces. The employee parking lot will be furthest away from the proposed commercial building, and will provide for up to 7 parking spaces. Each parking lot will have its own driveway access onto Wilson Street, as there will be no internal vehicular circulation between the two parking lots.

An access permit is required to be granted to allow for accesses onto a municipal road. As Wilson Street is a Major Arterial Road under Schedule C – Functional Road Classification under the UHOP, and that the subject property is within close proximity to Dalley Drive, current comments from Corridor Management indicated that an access permit will be granted for only one driveway access onto Wilson Street, and a second access will not be granted.

The allowance of two access points for the two separate parking lots onto Wilson Street represents a more efficient use of the subject lands. Granting two access points allows the maximum number of parking spaces to be provided without the need of additional manoeuvring space. As the subject lands is irregular in shape and constrained by the presence of steep grading changes to the rear, it is noted that if the parking lot were to be reconfigured to benefit from only one access, additional trees may need to be removed, and additional retaining walls will be required to reinforce additional grade changes to the rear of the property.

Therefore, it is considered that through a detailed Site Plan review, a balance between these objectives can be satisfactorily met, and as such, based on the foregoing, the proposed commercial development can be supported, and that the granting of an access permit to further facilitate the creation of two separate parking lots with two access driveways onto Wilson Street, will be addressed at the Site Plan Control stage.

7. There is an existing 900 mm. diameter municipal sanitary sewer, 675 mm. diameter municipal storm sewer, and a 300 mm. diameter public watermain within the Wilson Street East road allowance. The proposed development can be serviced based on the existing servicing capacity. At the Site Plan Control stage, the applicant must demonstrate that all stormwater management can be accommodated on site.

The designated road allowance width of this section of Wilson Street East is 30.48 m. However, the reconstruction of Wilson Street East, which included a replacement of the public watermain, construction of storm sewers, complete road, curb, and sidewalk reconstruction, gateway feature, and street furniture, were completed in 2012. It is anticipated that due to the recent reconstruction of Wilson Street, no road improvements will be anticipated in the near future. As such, staff will not be requesting any road widening.

Due to the grading of the rear portion of the property, an engineered-designed, one-metre high retaining wall, will be required to facilitate the proposed development, with an appropriate buffering between the retaining wall and the property line.

8. The subject lands are located west of the intersection of Wilson Street East and Dalley Drive. As this portion of Wilson Street East is classified as a major arterial road under the UHOP, it carries approximately 16,000 vehicles per day. The proposed development is expected to generate 9 a.m. peak hour trips, and 9 p.m. peak hour trips. Staff do not anticipate that the proposed commercial development will further impact traffic generation on Wilson Street East.
9. A Stage 1 and 2 Archaeological Study was submitted for review, and staff have no objections to the findings of the report, and that all municipal interest in archaeology has been satisfied. The Study has subsequently been forwarded to the Ministry of Tourism, Culture, and Sport, for filing.
10. A General Vegetative Inventory was submitted as part of the original submission of the application, where staff have no further objection to the report as most of the trees will be preserved. Additional landscaping will be required as a condition at the Site Plan Control stage.
11. A total of two letters of opposition were submitted as part of the Notice of Complete Application in November 2012. The issues include the following:

Proposed Commercial Use:

One of the concerns that a resident had was that the proposed development was not consistent with the overall plan of the Ancaster Village Core, and that such proposed is more appropriate on the outlying commercial precincts in Ancaster (ie Wilson Street and Shaver Road). The proposed professional and medical office uses are permitted under the “Neighbourhoods” designation of the UHOP, as local commercial uses such as professional office and medical office uses are permitted. In addition, the same commercial uses are also permitted under the “Low Density Residential 3” designation of the Wilson Street Secondary Plan.

Policies are found within the UHOP with respect to the maximum size of offices. Under Policy E.3.8.8a), the gross floor area for any individual office shall not exceed 500 sq. m. This ensures that the scale of the commercial operation, limits the impact that the commercial operation may have on abutting residential uses, limits the type of office to local real estate, accounting, and lawyers offices, as opposed to regional office uses that requires a greater gross floor area, and hence, greater parking requirements. The concept plan (see Appendix “C”) shows that the maximum gross floor area of the proposed building is less than 500 sq. m., to which the proposal conforms to the above policy. In addition, a special zoning provision has been included in the draft implementing Zoning By-law to reflect the restriction in the maximum floor area to 500 sq. m (see Appendix “B”). Also, urban design policies exist in the UHOP, such as Policy B.3.3.1.5, where new development is compatible with and enhances the character of the existing buildings in the surrounding area. The proposed building will have a building footprint and height that is similar to a residential dwelling, and will complement and enhance the character of the existing buildings in the surrounding area.

Landscaping:

One of the concerns that have been raised was the lack of landscaping and vegetation. A General Vegetation Inventory report was submitted as part of the original submission of the application, where staff have no objection to the proposed development, as the majority of the existing trees will have been preserved. In addition, through the Site Plan Control stage, additional landscaping will be required to provide for additional plantings throughout the subject lands.

Traffic:

There are concerns with respect to potential increases in traffic along Wilson Street East, especially during the morning and afternoon rush hour, and on weekends. Traffic along Wilson Street is part of the higher level vehicular circulation of Ancaster, where it is anticipated that the proposed development will not affect the overall traffic pattern of Wilson Street. In addition, visitors to the medical office will be utilizing the parking lot throughout the day on weekdays, and are not anticipated to generate additional traffic on Wilson Street. The proposed development is not anticipated to add additional traffic on weekends based on a typical hours of operation of professional offices and medical offices.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment be denied, the property located at 125 Wilson Street East could be developed as a single-detached dwelling, in accordance with the Existing Residential “ER” Zone provisions, of the Ancaster Zoning By-law.

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

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law
- Appendix “C”: Original Concept Plan
- Appendix “D”: Resident Letters from September 23, 2013, Notice of Complete Application

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