



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 20, 2015
<b>SUBJECT/REPORT NO:</b>	Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 72 Wilson Street East (Ancaster) (PED15165) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Lindsay King Planner (905) 546-2424 Ext. 2222  Steve Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That approval be given to **Amended Zoning Application ZAC-14-041, by Naeem and Deebea Mizra, Owners**, for a change in zoning from the Existing Residential “ER” Zone to the Neighbourhood Commercial “C1-664” Zone, Modified, to permit the development of a three-storey mixed-use building on lands located at 72 Wilson Street East (Ancaster), as shown on Appendix “A” to Report PED15165, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED15165, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Section 34.2 of Zoning By-law No. 87-57 as “C1-664”.

## **EXECUTIVE SUMMARY**

The purpose of this application is to change the zoning on the subject lands known municipally as 72 Wilson Street East from an Existing Residential “ER” Zone to a Neighbourhood Commercial “C1-664” Zone, Modified, to allow for a three-storey mixed-use building with first floor local commercial including a driving school with associated office space, and a total of two residential units located on the second and third floors.

The application also seeks an increase in the maximum lot coverage from 30% to 35%, a reduction in the minimum front yard from 13.5 m to 4.0 m, reduction in the minimum side yard abutting a residential use from 7.5 m to 1.5 m, reduction in the minimum rear yard from 13.0 m to 12.5 m, and a reduction in the width requirements of the planting strip from 3.0 m to 2.5 m along the easterly and westerly side lot lines, while 3.0 m will be maintained along the rear lot line.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS), conforms to the Places to Grow Plan and complies with the Urban Hamilton Official Plan (UHOP) and the Wilson Street Secondary Plan. The proposed rezoning aligns with the future vision of the Wilson Street corridor and is considered to be compatible with existing development in the surrounding area.

***Alternatives for Consideration – See Page 21***

## **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 land is rectangular in shape with an area of 905.80 sq m (0.09058 ha), a frontage of 22.86 m on Wilson Street East and a lot depth of 39.62 m. The subject property is currently occupied by a single detached dwelling with an attached garage, which is proposed to be demolished to facilitate the redevelopment of the subject lands.

The proposed Zoning By-law Amendment seeks to change the zoning of 72 Wilson Street East from the Existing Residential “ER” Zone to a Neighbourhood Commercial “C1-664” Zone, Modified, to permit a three-storey mixed-use building with first floor local

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commercial uses, including a driving school and associated office space, and a total of two residential units above on the second and third floors: A total of ten parking spaces will be provided onsite, including one accessible parking space, in addition to outdoor amenity space for the residential units.

The application also seeks an increase in the maximum lot coverage from 30% to 35%, a reduction in the minimum front yard from 13.5 m to 4.0 m, reduction in the minimum side yard abutting a residential use from 7.5 m to 1.5 m, reduction in the minimum rear yard from 13.0 m to 12.5 m, and a reduction in the width requirements of the planting strip from 3.0 m to 2.5 m along the easterly and westerly side lot lines, while 3.0 m will be maintained along the rear lot line.

**Chronology:**

- April 23, 2014: Formal Consultation meeting with Development Review Team.
- November 18, 2014: Application for Zoning for By-law Amendment (ZAC-14-041) received.
- December 18, 2014: Application deemed complete.
- January 21, 2015: Notice of Complete Application and Pre-Circulation mailed to 74 residents within 120 m of the subject property.
- January 23, 2015: Public Notice Sign established on the property.
- March 14, 2015: Site Visit with Urban Design Staff, Owners and Agent.
- May 12, 2015: Revised Concept Plan (garage relocated to back of property) and draft elevations submitted in response to concerns of staff and public.
- June 3, 2015: Meeting with Agent to discuss concept plan and proposed front yard setback.
- September 1, 2015: Meeting with Ward Councillor.
- September 24, 2015: Notice of Public Meeting was sent to 74 residents located within 120 m of the subject property and the Public Notice Sign was updated.

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**Details of Submitted Application**

**Location:** 72 Wilson Street East (Ancaster)

**Owners:** Naeem and Deeba Mizra

**Agent:** A.J. Lakatos Planning Consultant (c/o Joe Lakatos)

**Property Description:** **Frontage:** 22.86 m (Wilson Street East)

**Lot Depth:** 39.62 m

**Area:** 905.80 sq m (0.0905 ha)

**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Single Detached Dwelling	Existing Residential “ER” Zone
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Professional Offices (Law, Dental Offices, etc.) and Single-Detached Residential	Existing Residential “ER”, “ER-632” and “ER-224” Zones, Modified and Neighbourhood
<b>East</b>	Single-Detached Dwellings and Professional Offices (Law, Dental Offices, etc.)	Existing Residential “ER” Zone and Commercial “C1-265” Zone, Modified
<b>South</b>	Single-Detached Dwellings	Existing Residential “ER” Zone
<b>West</b>	Single-Detached Dwellings and Professional Offices (Law, Dental Offices, etc.)	Existing Residential “ER” Zone and Commercial “C1-265”, Modified

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2014)**

The application has been reviewed with respect to the Provincial Policy Statement (PPS) policies that contribute to the development of healthy, liveable, and safe communities, as contained in Section 1.1.1. The subject lands are considered to be within a Settlement Area, as defined by the PPS. As such, the application is consistent with Policy 1.1.3.1 with respect to focusing growth and regeneration within existing Settlement Areas.

“1.1.3.2 Land use patterns within settlement areas shall be based on:

a) Densities and a mix of land uses which:

1. Efficiently use land and resources;
2. Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
4. Support active transportation; and,
5. Are transit-supportive, where transit is planned, exists or may be developed.

b) A range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

c) Permitting and facilitating:

1. All forms of housing required to meet the social, health and wellbeing requirements of current and future residents, including special needs requirements; and,

2. All forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;

d) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

1.8.1 Planning authorities shall support energy efficient and improved air quality through land use and development patterns which:

a) Promote compact form and a structure of nodes and corridors.

d) Improve the mix of employment and housing uses to shorten the commute journeys and decrease transportation congestion.”

The proposed Zoning By-law Amendment will facilitate the redevelopment of the site for a three-storey mixed-use building with first floor commercial uses, limited to a driving school and associated office space, professional offices and two residential units located on the second and third floors.

The proposed development will allow for appropriate intensification and an opportunity to diversify the types of commercial uses and housing forms along the Wilson Street corridor while efficiently using the existing infrastructure and public service facilities that are available.

Staff view the proposed development as appropriate, and based on the above, the development 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 for the Greater Golden Horseshoe (Places to Grow). The following policies, amongst others, are applicable:

“2.2.2 Managing Growth

1. Population and Employment growth will be accommodated by:

a) directing a significant portion of new growth to the built-up areas of the community through intensification.

b) focusing intensification in intensification areas.

- d) reducing dependence on the automobile through the development of mixed-use, transit supportive, pedestrian-friendly urban environments.
- h) encouraging cities and towns to develop as *complete communities* with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services.

### 2.2.3 General Intensification

7. All *intensification areas* will be planned and designed to:
  - a) cumulatively attract a significant portion of population and employment growth.
  - b) provide a diverse and compatible mix of land uses, including residential and employment uses, to support vibrant neighbourhoods.
  - c) provide high quality public open spaces with site design and urban design standards that create attractive and vibrant places.
  - d) support transit, walking and cycling for everyday activities.
  - e) generally achieve higher densities than the surrounding areas.
  - f) achieve an appropriate transition of built form to adjacent areas.”

The proposed mixed-use development is an opportunity for development that is compatible with the intensification goals of the Growth Plan. The proposed development along the Wilson Street corridor will contribute to the mix of land uses and housing types available in the neighbourhood in a manner consistent with the local character. The proposed uses are consistent with the transitional nature of the Wilson Street and increase the mix of diverse yet compatible uses along the corridor which acts as a transitional buffer between the existing residential development and the Ancaster downtown core.

Staff view the proposed development as appropriate and based on the above, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

### **Urban Hamilton Official Plan**

The subject lands is identified as “Community Node” on Schedule “E” - Urban Structure Plan and designated “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The following policies, amongst others, apply:

#### **Community Node**

Areas identified as a “Community Node” Community Nodes shall function as vibrant, mixed-use areas and shall provide community scale retail stores and services to the residents within the Node and surrounding neighbourhoods.

- “E.2.3.3.4 Community Nodes shall provide an employment function consisting primarily of employment in retail, services, local institutions, and government services.
- E.2.3.3.8 Community Nodes shall be planned to accommodate some residential intensification over the time period of this Plan. The location, scale and amount of residential intensification shall be established through detailed secondary plans.
- E.2.3.3.9 The built form shall largely be in medium and low rise, mixed-use buildings. Along the commercial and mixed use streets, single use commercial buildings shall be permitted along with residential housing forms on the periphery of the Nodes. However, the intent of this Plan is to increase the proportion of multiple storey, mixed-use buildings that have retail and service commercial uses at grade.
- E.2.3.3.17 The Community Node shall contain a broad mix of uses. Where possible, this mix of land uses should include developments either as mixed-use buildings or a mix of uses on the same property.
- E.2.3.3.18 New development shall respect the existing built form of adjacent neighbourhoods by providing a gradation in building heights and by locating and designing new development to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

The Zoning By-law Amendment will allow for the future re-development of the site to permit a mixed-use building with first floor commercial uses (being a driving school and associated office space and professional offices) and two residential units above on the second and third floors. This development creates an opportunity for a service commercial use in the community and suitably intensifies the residential uses onsite by providing an additional dwelling unit for a total of two units and meets the intent of the



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Official Plan to increase the proportion of multiple storey, mixed-use buildings that have retail and service commercial uses at grade.

The height of the proposed development is three-storeys (10.5 m taken from grade) which is in keeping with the intent of this plan and aligns with the existing Zoning By-law provision of the current Existing Residential “ER” Zone. Also, the adjacent dwellings to the rear and sides of the subject lands are two-storeys from grade, thereby maintaining a similar profile to the proposed development. Furthermore, the building will be constructed at the same grade as the surrounding buildings and has been sited on the property to minimize impacts to the existing dwellings to the east and west by maintaining a side yard setback of 1.5 m, and the dwellings to the south by maintaining a setback of 12.84 m from the rear lot line. Furthermore planting strips of at least 2.5 m will be provided between the parking area and the side lot lines, while 3.0 m will be maintained along the rear lot line.

### Neighbourhoods

Areas designated “Neighbourhoods” shall function as complete communities that are compact, mixed-use, transit-supportive, and include a full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents. The following policies, amongst others, apply to the application for Zoning By-law Amendment:

“E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

- a) residential dwellings, including second dwelling units and housing with supports;
- d) local commercial uses.

E.3.2.7 The City shall require quality 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.

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 Neighbourhoods designation.

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E.3.8.2 The following uses shall be permitted:

- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, medical office, business office, professional office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service;
- c) residential uses, in accordance with Policy E.3.8.10.

E.3.8.10 Residential units located in the same building as local commercial uses shall generally be located above the ground floor. Some components of the residential use may be located in ground floor areas in the rear of buildings. All commercial space shall be located on the ground floor with the primary entrances to the commercial space through the principal façade of the building.”

The uses proposed through the subject Zoning By-law Amendment are permitted by the UHOP. The addition of a commercial use, being a driving school associated office space, with two residential units aids in achieving a complete community, where people can live, work, shop, learn, and play. The design of the building has taken into account the design principles established through the UHOP by providing a building setback consistent with what currently exists on Wilson Street yet allowing flexibility at the Site Plan stage to move the building closer to the street as the corridor transitions to a vibrant mix-use corridor. This will enhance the pedestrian environment by providing architectural details, such as balconies and verandas at the front of the building while locating the parking for the commercial use and residential units at the back of the property thus minimizing the surface parking between the building and the street.

Staff view the proposed development as appropriate, and based on the above, the proposal is consistent with the policies of the UHOP.

### **Ancaster Wilson Street Secondary Plan**

The Secondary Plan for the Ancaster Wilson Street area is intended to refine land uses to create a pedestrian-friendly environment while still conserving the heritage and character of the Ancaster area and was adopted in July 2014.

The subject property is located within the Ancaster Wilson Street Secondary Plan area and is located within the “Transition Area” and is designated “Low Density Residential 3”. The following Volume 2 Secondary Plan policies apply:

“2.7.8.3 Low Density Residential Designations

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- b) in addition to Section E.3.4 – Low Density Residential of Volume 1, for lands designated Low Density Residential 3 on Map B.2.8-1 - Ancaster Wilson Street Secondary Plan: Land Use Plan, the following policies shall apply:
- i) In addition to Policy E.3.4.3 of Volume 1, all forms of townhouses and low-rise multiple dwellings shall be permitted.
  - iii) In addition to Policy E.3.4.3 of Volume 1, small scale commercial uses shall be permitted, including business and professional offices, medical office uses or clinics, day nursery, artist studios, funeral homes, and personal services.
  - v) In accordance with Policy 2.8.7.3 b)iii) of this Plan, commercial uses shall be subject to the following:
    - 1. Permitted uses shall be located in stand-alone commercial or mixed use buildings;
    - 2. Residential units are encouraged on upper floors as part of any proposed development or redevelopment;
    - 3. For mixed use buildings, commercial uses shall be located on the first floor only;
    - 4. Parking shall be accommodated on site or through shared parking lots, where feasible;
    - 5. New stand-alone commercial buildings shall be subject to the following provisions:
      - a. Commercial uses shall not exceed a total gross floor area of 500 square metres; and,
      - b. Buildings shall be a minimum height of two storeys.”

Urban Design Policies / Guidelines

- “2.8.12.1 In addition to Section B.3.3 - Urban Design Policies of Volume 1, the following policies shall apply to lands within the Ancaster Wilson Street Secondary Plan and Community Node areas, as identified on Map B.2.8-1

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Ancaster Wilson Street Secondary Plan: Land Use and Appendix A - Character Areas and Heritage Features:

- b) In accordance with Policy F.1.19.6 of Volume 1, an Urban Design Report may be required for *development* or *redevelopment*, demonstrating how the proposal meets the policies of this Secondary Plan and the Ancaster Wilson Street Secondary Plan Urban Design Guidelines.
- c) For the purposes of maintaining community character and cohesive design, five Character Areas have been identified, as shown on Appendix A - Character Areas and Heritage Features. The five Character Areas shall include:
  - iii) Transition Area, located from Dalley Drive to Fiddlers Green Road, which is a predominantly residential area with a variety of housing types and some non-retail commercial uses along Wilson Street;
- d) The Ancaster Wilson Street Secondary Plan Urban Design Guidelines further describe the design objectives, function, and design character of each Character Area.
- e) New development or redevelopment shall complement the distinct character, design, style, building materials, and characteristics, which define each Character Area.
- f) Design requirements shall only apply to commercial and mixed use areas, institutional, and multi-residential developments. The Guidelines shall not apply to single detached and semi-detached dwellings.
- g) Development or redevelopment shall not negatively affect active transportation within the Ancaster Wilson Street Secondary Plan.
- h) Development and redevelopment shall foster streets as interactive outdoor spaces for pedestrians.
- i) Mixed use and commercial *development* or *redevelopment* shall provide a buffer, such as landscaped areas, for adjacent sensitive land uses.”

An Urban Design Report or Brief will be required at the Site Plan Control stage of development in order to address how the proposal meets the policies of the Secondary

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Plan and the Urban Design Guidelines; and also how it complements the distinct character, design, style and characteristics of the area.

The subject lands are located within the Transition Area as they are situated on Wilson Street between Dalley Drive and Fiddlers Green Road. This area is a predominantly residential area with a variety of housing types and some non-retail commercial uses along Wilson Street. As such, the mixed-use proposal is in keeping with the existing uses within this Area.

Sufficient parking can be provided on site which will not negatively impact active transportation within the Secondary Plan area.

The implementing Zoning By-law has addressed the required landscaped areas and are discussed further in the Analysis and Rationale for Recommendation section of this Report.

The small scale commercial and residential uses proposed through the Zoning By-law Amendment are permitted by the UHOP. The proposed small scale commercial uses, in this case a driving school, will occupy no more than 96.0 sq m of the ground floor (57.32 sq m dedicated to classroom space and 38.43 sq m dedicated to office use) which is well below the 500 sq m permitted by the Secondary Plan policies and will employ one person with a maximum of ten students onsite at any one time. This uses, along with a maximum of two residential units proposed above the ground floor conform to the policies of the Secondary Plan.

Staff view the proposed development as appropriate and, based on the above, the development conforms to the Ancaster Wilson Street Secondary Plan.

**Ancaster Zoning By-law No. 87-57**

The subject property is currently zoned Existing Residential “ER” in the Town of Ancaster Zoning By-law 87-57 which permits one detached dwelling on one lot and uses, buildings and structures accessory thereto.

The proposed Zoning By-law Amendment seeks to rezone the subject lands from the Existing Residential “ER” Zone to a Neighbourhood Commercial Zone with site specific modifications. The modifications are:

- an increase in the maximum lot coverage from 30% to 35%.
- a reduction in the minimum front yard from 13.5 m to 4.0 m.
- a reduction in the minimum side yard abutting a residential use from 7.5 m to 1.5 m.
- a reduction in the minimum rear yard from 13.0 m to 12.5 m.

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- a reduction in the width requirements of the planting strip from 3.0 m to 2.5 m along the easterly and westerly side lot lines (3.0 m will be maintained along the rear lot line).

The proposed modifications to the Neighbourhood Commercial “C1-664” Zone from the Existing Residential “ER” Zone reflect the intent to have this section of the Wilson Street corridor transition from a residential area, to a vibrant mix-used area. The increase in the maximum lot coverage and the reduction of the front and side yard setbacks are considered to be minor and supportable as the proposed built form has been sited with the Existing Residential “ER” Zone provisions in mind. This was done to ensure that the new development is compatible and comparable in both form and function with the adjacent properties yet allows flexibility within the building envelope to locate the building closer to the street to enhance the pedestrian realm as the corridor evolves. The proposed small scale, local commercial use will operate entirely within the proposed building thus having minimal to no impact on the adjacent residential uses.

As such, staff are supportive of the proposed modifications, which will be further discussed in the Analysis / Rationale for Recommendation Section of this Report.

## **RELEVANT CONSULTATION**

### **Agencies / Departments Having no Comment or Objections**

- Hamilton Municipal Parking System, Planning and Economic Development Department;
- Hamilton Conservation Authority;
- Growth Management, Planning and Economic Development Department;
- Community Planning, Planning and Economic Development Department;
- Forestry and Horticulture Section, Public Works Department;
- Strategic Planning, Public Works Department;
- Horizon Utilities; and,
- Enbridge Pipelines Inc.

### **Operations and Waste Management Division, Public Works Department**

Operation and Waste Management staff have commented that this development is eligible for curbside waste collection service and wish to add the following note:

*“This property is eligible for the collection of garbage, recycling, organics, leaf and yard, and Bulk waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City’s Solid Waste Management By-law 12-260, amending By-law 09-067.”*

### **Public Consultation**

In accordance with Council's Public Participation Policy, this application was pre-circulated to 74 property owners within 120 m of the subject lands. A Public Notice Sign was also posted on the subject lands at that time. To date, two letters have been received and have been included as Appendix "D".

The concerns discussed in the letters received pertained to the proposed commercial use component and proposed height and design of the building.

These concerns are discussed in the Analysis / Rationale for Recommendation Section of this Report. In summary, the proposed development is similar to the existing zoning provisions, specifically the 10.5 m height restriction and will be subject to site plan control. Furthermore, the subject property is located within a "Transition Area" as identified in the Wilson Street Secondary Plan and the proposed development aligns with the mixed-use vision intended for the Wilson Street Corridor.

### **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, conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan and Wilson Street Secondary Plan.
  - ii) It is compatible with, and complementary to, the type and form of development in the surrounding neighbourhood and built form envisioned for the Wilson Street Secondary Plan area.
2. The proposed Zoning By-law Amendment seeks to change the zoning on the subject lands to a site-specific Neighbourhood Commercial "C1" Zone to permit the development of a three-storey mixed-used building containing a local commercial use on the ground floor, being a driving school and associated office space, and a total of two residential units to be located on the second and third floor. This development is compatible and complementary with the type of development outlined in the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan. The property is located on a major arterial road, in close proximity to dental and law offices and other existing small scale commercial uses including a restaurant, beauty salon, travel agency, veterinary clinic, and a doctor's office, and is in the vicinity of the commercial node at Wilson Street West and Fiddlers Green Road and the Village Core Area.
3. The proposal meets the intent of the "Transitional Area" policies outlined by the Wilson Street Secondary Plan and will aid in incorporating a range of commercial

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uses and diversifying the housing types available along the corridor. The Zoning By-law Amendment will permit a development that efficiently intensifies the property in a manner consistent with the Wilson Street Secondary Plan Urban Design Guidelines while capitalizing on the infrastructure and services currently in place.

4. The proposed development is consistent with the design guidelines for the Transition Design District as set out in the Wilson Street Secondary Plan: Urban Design Guidelines. The guidelines recognize and anticipate the evolution of this area from residential to mixed-use. A primary element of the guidelines is to include flexibility in building design and use so as to encourage and support the emerging mixed-use function of the area. The Wilson Street Urban Design Guidelines promote a compatible built form that compliments the character of the community and encourages high quality development. The guidelines encourage building masses that are parallel to the street with strong pedestrian connections and limits building height to three storeys with pitched rooflines. As indicated on the proposed elevation (see Appendix “C”) the development proposed fulfils these requirements, specifically the height requirement which does not exceed the 10.5 m maximum height provision currently permitted in the “ER” Zone.
  
5. In order to implement the development, as proposed (see Appendix “C”), the following zoning modifications are required:

Table 1.1: Comparison of Requested Modifications to the Existing Residential “ER” Zone and the Parent Neighbourhood Commercial “C1” Zone:

	Current Residential “ER” Zone	Proposed Neighbourhood Commercial Zone with Site Specific	Neighbourhood Commercial “C1” Zone
Permitted Use(s)	<ul style="list-style-type: none"> <li>• One detached dwelling</li> </ul>	<ul style="list-style-type: none"> <li>• Professional office</li> <li>• A driving school</li> <li>• Maximum of two residential units above the ground floor</li> </ul>	<ul style="list-style-type: none"> <li>• Auctioneer</li> <li>• Barbershop</li> <li>• Hairdressing Shop</li> <li>• Beauty Shop</li> <li>• Convenience Retail</li> <li>• Dressmaker or Tailor</li> <li>• Drugstore</li> <li>• Drycleaner depot</li> </ul>



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			<ul style="list-style-type: none"> <li>• Insurance and real estate office</li> <li>• LCBO Store</li> <li>• Library, museum, art gallery</li> <li>• Lounge</li> <li>• (Fast Food) Restaurant</li> <li>• Uses accessory to permitted uses excluding open storage and residential uses</li> <li>• Community Garden / Urban Farm</li> </ul>
Min. Lot Area	695 sq m	905 sq m	As existing at the date of By-law Passing
Min. Lot Frontage	18 m	22.5 m	As existing at the date of By-law Passing
Max. Lot Coverage	35%	35%	30%
Min. Front Yard	7.5 m plus any application distance as specified in Schedule "C"	4.0 m	13.5 m plus any application distance as specified in Schedule "C"
Min. Side Yard	1.5 m	1.5 m	7.5 m (and 7.5 m abutting any residential zone)
Min. Rear Yard	7.5 m	12.5 m	7.5 m (13.0 m abutting any residential zone)
Max. Height	10.5 m	10.5 m	10.5 m
Min. Planting Strip abutting residential properties	3.0 m	2.5 m along the side (easterly and westerly) lot lines. 3.0 m shall be maintained along the rear lot line.	3.0 m

### Change to Local Commercial (C1) Zone

The small scale, local commercial and residential uses proposed through the Zoning By-law Amendment are permitted by the UHOP and Wilson Street Secondary Plan. The proposed driving school will occupy no more than 96.0 sq m of the ground floor which is well below the 500 sq m permitted by the Secondary Plan policies and will employ one person with no more than ten students onsite at any one time. This meets the intent of the local commercial and community node policies detailed above.

A limited number of uses have been proposed in the modified Neighbourhood Commercial “C1” Zone to allow flexibility to the property owner while still maintaining the intent of the Secondary Plan Policies. These uses are limited to a driving school, two residential units and professional office uses. The parking requirement for these uses can be accommodated onsite. Furthermore, these uses are small in scale, service the surrounding community and also implement the UHOP policies of the Ancaster Wilson Street Secondary Plan.

Staff note that similar Neighbourhood Commercial “C1, Modified” Zone provisions for properties located along the same section of Wilson Street East have been approved which similarly added commercial uses such as dental, medical and law offices while modifying provisions relating to lot frontages, lot coverage and landscape strip reductions.

### Residential Units

A total of two residential units have been proposed to be located on the second and third floors of the proposed development. One of these units is to function as a live-work unit and will be occupied by the owner of the driving school. The mixed-use nature of this proposal meets the intent of the UHOP policies found within the Wilson Street Secondary Plan.

### Reduced Planting Strip

The Town of Ancaster Zoning By-law No. 87-57 states in Policy 7.14(a)(xv) of the General Provisions Section, that where a parking area which is required to provide for more than four vehicles abuts a lot containing a dwelling comprising one or two dwelling units, a permanently maintained planting strip of a minimum width of 3.0 m shall be provided and shall include fencing to provide a solid and effective screen. The intent and purpose of requiring a minimum planting strip is to provide adequate buffering from the sights and sounds of the parking area for abutting uses and to allow for adequate space for trees, foliage and plants. The proposed rezoning would reduce the required landscape area between the parking area and the side lot lines by 0.5 m, from 3.0 m to 2.5 m; however the

rear lot line would maintain a 3.0 m landscape strip. It is the opinion of staff that the modification maintain sufficient landscaped area to ensure privacy and buffering for the existing residential developments in the area. This requirement will be ensured at the Site Plan Control Stage. Therefore, the modification can be supported.

#### Reduced Rear, Side and Front Yard Setbacks

The proposed modifications to the Neighbourhood Commercial “C1” Zone from the Existing Residential “ER” Zone reflect the intent to have this section of the Wilson Street corridor transition from a residential area to a vibrant mixed-use area.

Section 22.2 – Neighbourhood Commercial Zone, 22.2 (6), Section 22.2 (9), and Section 22.2 (5) of Ancaster By-law No. 87-57 requires a side yard setback of 7.5 m, a rear yard setback abutting a Residential zone of 13.0 m, and a front yard setback of 13.5 m respectively. The amending By-law is proposing a reduction of side, rear and front yard setbacks to 1.5 m (side yard) and 12.5 m (rear yard) and 3.0 m (front yard).

These modifications are considered to be minor and supportable as the proposed built form has been sited with the Existing Residential “ER” Zone provisions in mind. Regarding side yard, staff note that the current “ER” Zone requires a minimum setback of 1.5 m, consistent with the subject proposal. While staff acknowledge the introduction of commercial uses requires a greater sideyard setback under the By-law (7.5 m), staff note that the proposed local commercial uses will operate entirely within the proposed building, thus having minimal impact on the adjacent residential uses. Further, the built form of the proposed development, having a maximum height of 10.5 m, is consistent with surrounding development and the current By-law permissions.

Regarding rear yard, the Neighbourhood Commercial “C1” Zone requires a rear yard setback of 13.0 m abutting any residential zone, whereas the applicant is proposing a minor reduction to 12.5 m. As such, this rear yard modification is minor and consistent with the setback required between a commercial use and any abutting residential use.

Regarding front yard, staff note that the By-law requires a front yard setback of 13.5 m whereas a front yard of 4.0 m is being proposed. Staff note that the existing “ER” zone permits a setback of 7.5m. The existing front yard setbacks along this section of Wilson Street range between 5 m and 13 m, and therefore staff find that the proposed reduction to 4.0 m under the a modified “C1” Zone to be minor. Setting the building envelope closer to the street is consistent with the

Wilson Street Design Guidelines and will allow an opportunity to enhance the pedestrian realm along Wilson Street West and can therefore be supported.

Given the intent of the UHOP to transition the Wilson Street Corridor into a mixed-use area, Staff considers these zoning modifications to be appropriate. Furthermore, Staff have considered the proposed built form, the size of the adjacent lots, the proposed landscaping and the nature of the proposed local commercial uses and have determined the impact these modifications would exert upon the adjacent uses would not be considered significant. Therefore the modifications can be supported.

#### Lot Coverage

The amending By-law is proposing a lot coverage of 35%. This is consistent with the existing required coverage in the Existing Residential “ER” Zone and 5% less than the required coverage in the Parent Neighbourhood Commercial “C1” Zone. As such, this modification is minor in nature and supportable by staff as it is compatible with the existing development in the area and is slightly less than what is required in a standard Neighbourhood Commercial “C1” Zone.

6. The Ancaster Zoning By-law (By-law No. 87-57) parking provisions require that each residential unit have two parking spaces per unit and that the commercial uses have four parking spaces for a total of eight parking spaces. One barrier-free parking space is also required. As ten parking spaces are shown onsite (eight spaces plus two spaces contained within a garage), the proposal is able to provide the required parking onsite. All parking stall size and signage requirements will be implemented at the Site Plan Control Stage of the proposed development. Parking spaces devoted to the residential use will be clearly delineated with signage.
7. The proximity of the proposed sensitive residential land use to a road noise source, Wilson Street East, has triggered the requirement for a noise study. A noise study will be required to be submitted and the recommendations will be implemented at the Site Plan Control Stage of the proposed development.
8. Wilson Street is classified as a major arterial road. The future right-of-way (ROW) width of Wilson Street from Halson Street to Highway 403 is 30.480 m. The existing ROW width is approximately 27.3 m. At Site Plan Control stage, the owner will be required to convey approximately 1.59 m to the City for future road widening purposes. Staff have acknowledged that providing a front yard setback that is greater than what is shown on the concept plan, establishes the ultimate building envelope; this will allow greater flexibility at the site plan stage to appropriately locate (shift backwards or forwards) the building on the site to

**SUBJECT: Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 72 Wilson Street East (Ancaster) (PED15165) (Ward 12) – Page 21 of 22**

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alleviate any conflicts that may arise with the road widening and residential uses to the rear without the need for the applicant to seek a minor variance.

9. Water and wastewater is available to service the site. In order to support any future development, a wastewater generation assessment and water usage estimate will be reviewed as part of the Site Plan process.
10. To date, two letters of correspondence were received through the public circulation from the public identifying concerns with privacy and imposing height (see Appendix “D”):

While concerns regarding privacy and imposing height have been expressed, staff note that the proposed building envelope is similar to what is currently permitted in the existing “ER” zone. However, staff note that any perceived impacts can be alleviated through the combination of building at the same grade as the surrounding buildings and by maintaining adequate spacing from the stable residential uses through a rear yard setback of 12.84 m. Enhanced landscaping and fencing will be used to further buffer the proposed use from the adjacent properties. Fencing and landscaping will be addressed through the Site Plan Control Stage of development and will further address issues related to privacy and imposing height.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Zoning By-law Amendment be denied, the property located at 72 Wilson Street East would continue to be used for residential purposes in accordance with the “ER” Zone provisions.

## **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).

**Strategic Priority #2**

Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*

**Strategic Objective**

2.2 Improve the City’s approach to engaging and informing citizens and stakeholders.

2.3 Enhance customer service satisfaction.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map
- Appendix “B”: Draft By-law and Draft Schedule “A”
- Appendix “C”: Concept Plan and Draft Elevations
- Appendix “D”: Letters from Public

LK/th