



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2016
<b>SUBJECT/REPORT NO:</b>	Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 120 and 128 Portia Drive (Ancaster) (PED16083) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Alvin Chan Senior Planner (905) 546-2424 Ext. 1334  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**

- (a) That approval be given to **Amended Urban Hamilton Official Plan Amendment Application UHOPA-15-018, by Montrin Properties (Hamilton) Inc. (Owner)**, for OPA No. \_\_\_\_\_, to expand the limits of Ancaster Area Specific Area UA-5 – Area “A”, and to delete and replace in its entirety the Ancaster Area Specific Policies, Section “UA-5A Lands located north of Wilson Street West and north of Portia Drive (Area A) (OPA 18)”, to allow for a broader range of permitted uses, to expand the range of prohibited uses; and, to increase the maximum permitted Gross Floor Area as result of the revised limits of Area Specific UA-5 – Area “A”, for the lands known as 120 and 128 Portia Drive (Ancaster), as shown on Appendix “A” to Report PED16083, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16083, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan.
  
- (b) That approval be given to **Zoning By-law Amendment Application ZAC-15-037 by Montrin Properties (Hamilton) Inc. (Owner)**, for a change from the Shopping Centre Commercial “C2-629” Zone, Modified; and, Shopping Centre Commercial “C2-630” Zone, Modified, to the General Commercial “C3-673” Zone, Modified, in order to broaden the range of permitted uses, identify prohibited uses, and provide for corresponding increases in Gross Floor Area caps, for the approved commercial development currently under construction for lands located at 120 and 128 Portia Drive (Ancaster), as show on Appendix “A” to Report PED16083 on the following basis:
  - (i) That the draft By-law, attached as Appendix “C” to Report PED16083, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (ii) That the amending By-law be added to Map 5 of Schedule “A” of the Town of Ancaster Zoning By-law No. 87-57.
  - (iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. .

## **EXECUTIVE SUMMARY**

The purpose and effect of the proposed Urban Hamilton Official Plan Amendment is for changes to the Ancaster Area Specific Policies to expand the limits of Ancaster Area Specific UA-5 – Area “A”, and to delete and replace the policies for the Ancaster Area Specific UA-5A in their entirety, in order to allow for additional permitted uses, expand the range of prohibited uses and provide for increases in Gross Floor Area caps as result of the expansion of Area Specific UA-5 – Area “A”, for the approved commercial development currently under construction, on lands known as 120 and 128 Portia Drive.

The application was amended by Staff to expand the existing “Arterial Commercial” designation to allow for a limited range of additional “District Commercial” uses within the policies of the Ancaster Area Specific UA-5 – Block “A”, based on the submitted Commercial Needs and Impact Assessment, and peer reviewed by Malone Given Parsons Ltd., on behalf of the City of Hamilton.

The purpose and effect of the proposed Zoning By-law Amendment to the Town of Ancaster Zoning By-law No. 87-57 is for changes in zoning from the Shopping Centre Commercial “C2-629” Zone, Modified and the Shopping Centre Commercial “C2-630” Zone, Modified to the General Commercial “C3-673” Zone, Modified, in order to permit a

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broader range of commercial uses and corresponding changes to the Gross Floor Area caps, for the approved commercial development currently under development that is comprised of ten commercial units totalling 11,788 sq m with 462 associated onsite parking spaces.

The proposed Official Plan Amendment and Zoning By-law Amendment have merit, and can be supported, since the proposal is consistent with the PPS (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan (UHOP), subject to the recommended amendment.

***Alternatives for Consideration – See Page 22***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Proposal**

The subject lands are located west of McCillure Road, east of Mason Drive, with frontage on the north side of Portia Drive.

The applicant is currently constructing a commercial development comprised of ten commercial units totalling 11,788 sq m of commercial gross floor area, with 462 associated onsite parking spaces, as shown on Appendix “D” to Report PED16083.

The purpose and effect of the proposed Official Plan Amendment to the Urban Hamilton Official Plan is for a change to the Ancaster Area Specific Policies for Area Specific UA-5 – Area “A”.

In particular, the applicant has requested both mapping and text changes to Volume 3 of the Urban Hamilton Official Plan, to expand the limits of Ancaster Area Specific UA-5 – Area “A” on Map A-2 “Area Specific Policies”. The expansion of Area “A” is as result of additional developable lands attained through the reduction of the adjacent development block to the east, (comprised of the Lowe’s commercial retail establishment), which have been added to the subject lands, but are not within the UA-1 Area “A” Special Policy Area.

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Lastly, the applicant proposes deleting and replacing the polices to allow for a maximum of 11,788 sq m of overall commercial uses within Area “A”. Within this overall maximum, a maximum of 10,525 sq m of District Commercial uses are proposed, of which, a maximum of 8,360 sq m of Gross Floor Area shall be for select non-food retail.

Of note, the applicant’s initial request was for a change in designation from “Arterial Commercial” to “District Commercial”, and for associated changes to the Ancaster Area Specific Policies, to permit additional commercial floor area. The requested Official Plan Amendment has been amended by staff to retain the “Arterial Commercial” designation, but to modify the range and amount of permitted uses. The applicant is in agreement with the changes proposed by Staff.

The purpose and effect of the proposed Zoning By-law Amendment to the Town of Ancaster Zoning By-law No. 87-57 is for changes from the Shopping Centre Commercial “C2-629” Zone, Modified and the Shopping Centre Commercial “C2-630” Zone, Modified, to the General Commercial “C3-673” Zone. The proposed By-law retains the same site-specific modifications applicable to the lands under By-law No. 14-112, save and except for additional modifications to the permitted and prohibited uses with restrictions of Gross Floor Area, including “District Commercial” uses.

**Chronology:**

- June 25, 2015: Applications UHOPA-15-018 and ZAC-15-037 submitted.
- July 9, 2015: Applications UHOPA-15-018 and ZAC-15-037 deemed complete.
- July 21, 2015: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-15-018 and ZAC-15-037, to eight property owners within 120 m of the subject lands.
- July 29, 2015: Public Notice Sign installed on subject lands.
- March 9, 2016: Public Notice Sign updated with Public Meeting Information.
- March 18, 2016: Circulation of the Notice of Public Meeting to eight property owners within 120 m of the subject lands.

**Details of Submitted Application:**

**Location:** 120 and 128 Portia Drive (see Appendix “A” to Report PED16083)

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**Owner/Applicant:** Montrin Properties (Hamilton) Inc. (c/o: Fraser Smith)

**Agent:** Urban Solutions Planning & Land Development Inc. (c/o: Matt Johnston)

**Property Description:**

<u>Lot Frontage:</u>	204.42 m
<u>Lot Depth:</u>	193.07 m (irregular)
<u>Lot Area:</u>	3.75 ha
<u>Servicing:</u>	Existing Full Municipal Services

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Commercial Units under construction	Shopping Centre Commercial “C2-629” Zone, Modified and Shopping Centre Commercial “C2-630” Zone, Modified

**Surrounding Land Uses:**

<b>North</b>	Vacant Lands	Private Open Space “O1-633” Zone, Modified, and Conservation / Hazard Land Rural (P6) Zone (Under Appeal)
<b>South</b>	Commercial Retail – Lowe’s	General Commercial “C3-656” Zone, Modified
<b>East</b>	Future Commercial Development	Shopping Centre Commercial “C2-630” Zone, Modified
<b>West</b>	Vacant Lands	General Industrial “M4-521” Zone, Modified; Agricultural “A” Zone; and, Conservation / Hazard Land Rural (P6) Zone (Under Appeal)

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

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

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The proposal provides for an efficient and resilient development and land use pattern that is healthy, liveable and safe as per Policy 1.1. Furthermore, staff recognize that the applications are consistent with the policies that focus on growth and development in Settlement Areas (Policy 1.1.3.1).

Moreover, the proposal provides for employment uses and long term economic prosperity as per Policies 1.3 and 1.7.

Policy 2.6.2 restricts development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. A Stage 1, 2 and 3 Archaeological Assessment (P017-188,205,206-2011) was submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport for Wilson Street Common which includes the subject lands. The Ministry of Tourism, Culture and Sport have provided a compliance letter regarding the Stage 1, 2 and 3 Archaeological Assessment on January 8, 2015. Staff concur with the recommendations made in the report, and the municipal interest in archaeology is satisfied.

Policy 2.1 governs natural heritage and their protection for the long term. Accordingly, Schedule B (Natural Heritage Systems) of the UHOP, identify Core Areas adjacent to the subject property, being the Jerseyville Road Woodlot Environmentally Significant Area (ESA) and Significant Woodland.

As part of previous applications (OPA-13-012; ZAC-13-044; 25T-201005), a Preliminary Environmental Impact Statement (EIS) was prepared by Dougan and Associates (July 29, 2010 and an addendum dated September 24, 2010) and approved by Natural Heritage Planning staff, subject to mitigation measures being implemented through the Site Plan process (DA-15-108) and a 5.0 m vegetation protection zone (VPZ; buffer) as Conservation/Hazard Lands.

Based on the foregoing, as the subject lands are located within a settlement area, proposed to be developed with appropriate infrastructure to further support economic development, while protecting the Provincial interest with respect to cultural and natural resources, the proposal is consistent with the PPS.

**Growth Plan for the Greater Golden Horseshoe (Places to Grow)**

The subject application conforms with the Guiding Principles, Section 1.2.2 Policies through a planned and managed form of growth that supports a strong and competitive economy, while protecting, conserving, enhancing, and wisely using the valuable natural resources of land for current and future generations; optimizing the use of existing and new infrastructure to support growth that is in a compact, efficient form; thereby establishing a compact, vibrant, and complete community.

The subject lands are located within the built-up area of the City of Hamilton and the proposal conforms to the Policy Section 2.2.2, which provides direction on managing this growth whereby population and employment growth will be accommodated by, amongst other things, directing a significant portion of new growth to the built-up areas of the community through intensification while 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.

Lastly, as noted above, the subject lands are of both cultural and natural heritage value, which is governed by Policy Section 4.2.1 - Natural Systems, and 4.2.2 - A Culture of Conservation. The requisite studies, being an EIS and Archaeological Assessment have been submitted, reviewed, and deemed satisfactory in addressing the Provincial Interest.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow Plan).

**Urban Hamilton Official Plan**

The subject lands are identified as a “Neighbourhoods” on Schedule “E”, designated as “Arterial Commercial” on Schedule “E-1” - Land Use Designations and Block 1 as shown on Appendix “A” to Report PED16083, is designated as “Area Specific Policy Area – UA-5” on Map A-2 “Area Specific Policies” of Volume 3.

In review of the “Commercial and Mixed Use – Designations – General Policies”, Policies E.4.2.8 and E.4.2.10, amongst others, provide direction with respect to the scale of commercial development, in particular Gross Floor Area.

“Scale:

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

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

Of note, the proposed development has received Final Site Plan Approval under File No. DA-15-108, attached as Appendix “D” to Report PED16083, and the 8,000 sq m building at the rear of the subject lands is currently under construction. The proposal is not to create a new major commercial area as the subject lands will remain designated as “Arterial Commercial” and will maintain 24,868 sq m of District Commercial uses which is below the threshold identified in Policy Sections above, with the remainder of the development, being 11,553 sq m of Arterial Commercial uses.

The amendment seeks to expand the existing limits of the Ancaster Area Specific UA-5 – Block “A” to incorporate the lands shown as Block “2” on Appendix “A” to Report PED16083, into UA-5, Area “A”. This is supportable as it is technical in nature, in that, it is a boundary adjustment to reflect the new lot lines as result of the shrinking of the adjacent development block to the east, from that originally contemplated at the time of the previous planning approvals, and these lands being incorporated into the subject lands.

Additionally, the amendment will broaden the range of permitted uses, expand the range of prohibited uses and reverse the Gross Floor Area caps for the existing commercial development currently under construction. An amendment to the Urban Structure is not required as a new urban node or extension of an urban corridor is not being proposed. Moreover, the envisioned distribution of commercial uses and the corresponding Gross Floor Areas for the existing development comply with Policy E.4.2.8.

As, the amended amendment proposes to add “District Commercial” uses to the “Arterial Commercial” designation, an analysis of the permitted uses of both the “Arterial Commercial” and “District Commercial” permitted uses is provided below.

Additional discussion of the specific additional uses and corresponding Gross Floor Area cap and their suitability from a market perspective is provided within the submitted and peer-reviewed Commercial Needs and Impact Assessment which is analysed below.

As per the “Commercial and Mixed Use – Designations – General Policies”, Policy E.4.2.6 of Volume 1, and with respect to “Arterial Commercial”, Policy Section E.4.8, and “District Commercial”, Policy Section E.4.7, the following policies amongst others apply to the applications with respect to permitted uses.



Arterial Commercial:

- “E.4.2.6 A limited range and scale of retail and service commercial uses catering to the traveling consumer, are land extensive retail establishments, or cannot be appropriately accommodated in areas designated Mixed Use, shall be permitted in and directed to the Arterial Commercial designation.
- E.4.8.2 The following uses shall be permitted on lands designated Arterial Commercial on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses including banquet halls, restaurants including garden centres, furniture stores, building and lumber supply establishment, home improvement supply store, and retail primarily for the sale of building supplies;
  - b) automotive related uses primarily for vehicle sales, service and rental, parts sales, gas bars, car washes, and service stations;
  - c) commercial recreational uses, commercial entertainment uses, excluding theatres;
  - d) industrial supply and service and contractor sales;
  - e) accommodation, excluding residential uses;
  - f) enclosed storage including mini warehousing; and,
  - g) accessory uses.”

The applicant has requested the same “Arterial Commercial Uses” as currently permitted under By-law No. 14-112; however additional amendments to the Urban Hamilton Official Plan and Ancaster Zoning By-law to permit a maximum of 4,070 sq m of Gross Floor Area for these uses documented below has also been requested:

- a) Animal Hospital;
- b) Animal Hospital with outside runs;
- c) Building Supply Sales;
- d) Building Supply Sales in wholly enclosed buildings;
- e) Convenience Retail Store in conjunction with and accessory to a Motor Vehicle Service Station;
- f) Caterers;
- g) Conference or Convention Centre;
- h) Craft and Custom Workshops;
- i) Home Furnishing Retail Establishment;
- j) Home Improvement Supply Establishment;
- k) Hotels;
- l) Motels, which shall not include a dwelling unit;
- m) Motor Vehicle Service Stations;
- n) New and / or Used Motor Vehicle Sales Establishment;
- o) Parking Areas of Structures;

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- p) Recreational Areas or Uses, including Indoor Miniature Golf Courses and Golf Driving Ranges;
- q) Recreational Vehicles Sales, Service and Rental;
- r) Rental Establishments but not including Establishments for the Rental or Repair of Motor Vehicles and / or trailers;
- s) Rental Establishments or Service Shops;
- t) Restaurants; and,
- u) Restaurants, Fast Food.

The requested “Arterial Commercial” uses comply with Policy Section E.4.2.6 and E.4.8.2, as they cater to the traveling consumer, include land extensive retail establishments, and prohibit the uses identified in Policy Section E.4.8.3, (i.e. department store; food store; residential uses; and, stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise).

In addition, the respective Gross Floor Area caps recommended by the peer reviewed and supported Commercial Needs and Impact Assessment, which is further analysed below, have also been included within the amending By-laws with respect to “Arterial Commercial” uses.

District Commercial:

- “E.4.2.5      A more limited range of retail uses shall be permitted in the District Commercial designation to serve the day-to-day and weekly shopping needs of residents in the surrounding neighbourhood but in a primarily non-mixed use environment.
- E.4.7.2      The following uses shall be permitted on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;
  - b) offices provided they are located above the first storey;
  - c) residential uses provided they are located above the first storey of a mixed use building; and,
  - d) *accessory* uses.

The applicant has requested that the following “District Commercial” uses to a maximum of 10,525 m<sup>2</sup> of Gross Floor Area be permitted. Of note, the majority of the uses below were previously established under By-law No. 14-112; save and except for “Retail Stores; Places of Entertainment or Recreation within wholly enclosed buildings; Convenience Retail Stores; Farmer’s Market; Insurance offices; and Libraries, Museums, and Art Galleries.

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- a) Banks and Financial Institutions;
- b) Business and Professional Offices located above the first storey;
- c) Brewers Retail Stores;
- d) Drugstores to a maximum of 8,360 sq m of Gross Floor Area;
- e) Retail stores to a maximum of 8,360 sq m of Gross Floor Area for stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise;
- f) Personal Service Shops;
- g) Places of Entertainment or recreation within wholly enclosed buildings, except for movie theatre(s);
- h) Travel Agencies;
- i) Convenience Retail Stores to a maximum of 8,360 sq m of Gross Floor Area;
- j) Farmer's Market;
- k) Gymnasiums or health clubs excluding body rub parlours;
- l) Insurance Offices located above the first storey;
- m) Libraries, Museums and Art Galleries; and,
- n) Liquor Control Board of Ontario Stores.

In review, the requested additional District Commercial uses comply with Policy E.4.2.5 and E.4.7.2. Planning staff have also amended the application to include restrictions on offices to be located only above the first storey and to remove Movie Theatres as a permitted use.

In addition, the peer reviewer has recommended that that the above uses be restricted to a maximum of 8,360 sq m of Gross Floor Area for selected non-food store District Commercial space (i.e. Department Stores; Other General Merchandise Stores; Apparel and Accessories Stores; Furniture; Home Furnishings and Electronics Stores; Other Miscellaneous Retailers; Health and Personal Care Stores; Building and Outdoor Home Supply Store).

The respective Gross Floor Area caps recommended by the peer reviewed and supported Commercial Needs and Impact Assessment is further analysed below.

In review of the amended Official Plan Amendment, Policy E.4.2.11 is applicable in that the policy states that:

“E.4.2.11 Official Plan amendment applications for retail or service commercial development exceeding 5,000 sq m of gross floor area shall be required to undertake a commercial needs and impact assessment, in accordance with Policy F.3.2.7 - Commercial Needs and Impact Assessment. The Commercial Needs and Impact Assessment shall assess the impact of the proposal on designated retail areas and the potential for negative impacts to the planned function of these areas. Impact on planned function may include store closures, loss of vitality within the Node or Corridor which

may affect the attraction or success of other land uses, or diminishment of the role and function of the structural element or the designation.”

Accordingly, Policy F.3.2.7 states:

“F.3.2.7 Commercial Needs and Impact Assessment

3.2.7.1 The City shall develop Terms of Reference for the preparation of a Commercial Needs and Impact Assessment which shall demonstrate there shall be no negative impact on the planned function of existing and designated Commercial and Mixed Use areas or on the planned function of the *Urban Nodes* and *Urban Corridors*.

3.2.7.2 A commercial needs assessment shall address the following matters to the satisfaction of the City:

- h) Determines an appropriate trade area for the proposed facility and identifies the trade area of competing nodes, corridors, Commercial and Mixed Use designations outside of nodes and corridors;
- i) Determines the need for additional retail space within the trade area beyond that necessary for existing retail designations to remain viable;
- j) Determines the amount of potential retail space that could be constructed on vacant designated parcels, or is available within vacant built space, within the trade area or within an overlapping trade area;
- k) Determines the net additional retail needs after considering the above supply potential;
- l) Assesses the opportunities and ability to locate the proposed retail facility within or immediately adjacent to existing nodes, corridors, Commercial or Mixed Use designations outside of nodes and corridors;
- m) Assesses the effect of the proposed development on the urban structure including any effects on the planned function of the Nodes and Corridors;
- n) Assesses any impact on the planned function of the Commercial and Mixed Use designations outside of the nodes and corridors;
- o) Assesses the ability of the proposed facility to be serviced by transit;

- p) Assesses the ability of the proposed facility to be integrated into the surrounding residential neighbourhood(s) and to be accessed by *active transportation*; and,
- q) If the proposed development creates a commercial node or cluster of retail space greater than 25,000 sq m, it shall only be considered through a municipal comprehensive review of the City's urban structure."

As part of the application, a study prepared by UrbanMetrics Inc. titled "RE: Wilson Street Common, Ancaster – Market Demand & Impact Analysis Update (2015)" dated June 15, 2015, was submitted and subject to peer review by Malone Given Parsons Ltd., on behalf of the City of Hamilton.

The peer review concluded that the Market Study methodology was generally acceptable and was completed in compliance with Policies E.4.2.11 and F.3.2.7 of the UHOP. The peer review also concluded that from a market perspective, permission for up to 10,525 sq m (113,290 sq ft) GFA of District Commercial space on Block B of the Final Approved Site Plan attached as Appendix "D" to Report PED16083, with a maximum of 8,360 sq m (90,000 sq ft) of selected non-food store District Commercial space, and a maximum of 4,070 sq m (43,810 sq ft) of Arterial Commercial space is warranted based on market need, demand and lack of impact. Of note, as the amended application will retain the Arterial Commercial designation, a cap is no longer required.

The site is located within an existing, expanding, and recognized shopping area in Ancaster. The proposal is suitable considering the context of the market area and population growth. With the proposed development, sales transfers on existing space are forecast to be transient and sales remain high. The proposed development would increase and improve the level of service and convenience for shoppers.

As such, the peer review concluded that the proposed development will not negatively impact the planned function of the urban structure including existing and designated retail areas, Nodes, Corridors, and Commercial and Mixed Use areas in Ancaster or elsewhere in Hamilton.

Notwithstanding, the peer review has recommended development controls and caps within the amending By-law(s) to protect the existing and planned commercial areas in Ancaster and the rest of Hamilton. As such, these provisions have been incorporated into the amending Official Plan Amendment and Zoning By-law.

Based on the foregoing, subject to adoption of the draft amendment as per recommendation (a) and attached as Appendix "B" to Report PED16083, the proposal complies with the intent and purpose of the UHOP, and, is therefore supportable.

**Area Specific Policy Area “UA-5”**

The majority of the subject lands are identified as “Area Specific Policy Area – UA-5” on Map A-2 “Area Specific Policies” of Volume 3, (Block “1” on Appendix “A” to Report PED16083).

The applicant proposes to expand the limits of Ancaster Area Specific UA-5 – Block “A”, and to delete and replace the policies in their entirety, in order to permit a maximum of 11,788 sq m of overall commercial uses, with a maximum of 10,525 sq m of District Commercial Uses, with a maximum of 8,360 sq m of select non-food retail.

Staff note that the boundary adjustment is a result of the realignment to the “Lowe’s” development on the lands to the east, providing for additional developable lands to be incorporated with the subject lands. Accordingly, the Gross Floor Area within the UA-5, Area “A”, of overall commercial uses is to be increased from 10,525 sq m to 11,788 sq m, being the additional 1,263 sq m from the adjacent Lowe’s commercial retail site, which is supportable.

As mentioned above, the proposed development will allow for “District Commercial” uses with corresponding Gross Floor Area caps, notwithstanding the policies of the “Arterial Commercial” designation of Volume 1 of the Urban Hamilton Official Plan, which is supportable as demonstrated through the analysis of permitted uses provided above and the submitted Commercial Needs and Impact Assessment and corresponding peer review.

As the amendment is technical in nature to broaden the range of uses for the portion of the approved site plan shown as Block B on the approved Site Plan (attached as Appendix “D” to Report PED16083), and to reflect the revised lot lines from the original planning approvals due to realignments of the adjacent “Lowe’s” site to the east, while also maintaining flexibility for future tenants and users with respect to permitted uses, all of which is in keeping with the intent and purpose of the UHOP, the proposed amendments are supportable.

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

The applicant has requested, and staff support maintaining the existing zoning regulations and performance standards of the existing Site Specific By-law No. 14-112.

The applicant has proposed to broaden the range of permitted uses, identify prohibited uses, and increases in the Gross Floor Area caps / ratios, for the approved commercial development currently under construction.

## **RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections to the applications:

- Hamilton Municipal Parking System (HMPS);
- Grand River Conservation Authority;
- Recreation Division, Community and Emergency Services Department; and,
- Geomatics and Corridor Management Section, Public Works Department.

The following Departments and Agencies have provided comments on the applications:

**Bell Canada** have advised that an easement may be required to service the subject property, depending on a review of more detailed applications under the *Planning Act*.

Of note, the associated Final Approved Site Plan (DA-15-108), attached as Appendix “D” to Report PED16083, was circulated to Bell Canada addressing the above concern.

**Forestry and Horticulture Section, Public Works Department** have no concerns with the subject applications; however, staff has identified the requirement for an outstanding landscape plan / street tree planting plan.

Of note, the associated Final Approved Site Plan (DA-15-108), attached as Appendix “D” to Report PED16083, and Section 2.08 “Street Trees” of the registered standard form subdivision agreement WE1001630 for the related subdivision, “Wilson Street Commons”, being Registered Plan 62M-1216, has appropriately addressed the above requirement.

**Health Protection Division, Hamilton Public Health Services Department** request that that a dust mitigation plan be formulated. The plan must identify all potential sources of dust generation (both pre and post construction). Details must be provided regarding effective practices to be used (i.e. wetting, sodding etc.) through all stages of development for the purpose of dust abatement. This should also include measures for adjacent lands including but not limited to roadways, sidewalks etc.

Staff note that this matter is addressed through Section 3.06 “Street Maintenance / Cleaning Plan” of the registered standard form subdivision agreement WE1001630 for the related subdivision, “Wilson Street Commons”, being Registered Plan 62M-1216.

**Environment and Sustainable Infrastructure Division (Public Works Department)** have requested a transportation demand management options report, along with the accommodation of Accessibility for Ontarians with Disabilities Act (AODA) standards, and the inclusion of street trees and sidewalks with a minimum width of 1.5 m.

The incorporation of these matters have been addressed through the related Site Plan Control (DA-15-108), attached as Appendix “D” to Report PED16083, and Section 2.08 “Street Trees” of the registered standard form subdivision agreement WE1001630 for the related subdivision, “Wilson Street Commons”, being Registered Plan 62M-1216.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to eight property owners within 120 m of the subject property on July 21, 2015. To date, no public submissions have been received.

A Public Notice Sign was posted on the property on July 29, 2015, and updated on March 9, 2016, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on March 18, 2016.

## **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, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
  - (ii) It complies with the intent and purpose of the Urban Hamilton Official Plan and is in keeping with the envisioned function and urban structure;
  - (iii) The proposed Official Plan Amendment is supportable, as it will recognize land ownership and therefore adjustment of the boundary of the existing Ancaster Area Specific UA-5 – Block “A”, which is technical in nature due to the realignment of the “Lowes” development block to the east. As a consequence of the boundary adjustment, the overall permitted gross floor area in Ancaster Area Specific UA-5 – Block “A”, is being adjusted. The proposed Official Plan Amendment will permit “District Commercial” uses with corresponding Gross Floor Area caps for the development of this Block. This amendment can be supported as it will not negatively impact the planned function of the urban structure including existing and designated retail areas, Nodes, Corridors, and Commercial and Mixed Use areas in Ancaster or elsewhere in Hamilton, and is located within an existing, expanding, and recognized shopping area in Ancaster;
  - (iv) The proposal is suitable considering the context of the market area and population growth. With the proposed development, sales transfers on existing space are forecast to be transient with sales remaining high. The



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proposed development would increase and improve the level of service and convenience for shoppers; and,

- (v) The proposed development is compatible with existing commercial land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community.
2. The purpose and effect of the proposed Official Plan Amendment to the Urban Hamilton Official Plan, as amended by Staff is for changes to the Ancaster Area Specific Policies for Area Specific UA-5 – Block “A”; in particular,
- changes to Volume 3 of the Urban Hamilton Official Plan, by expanding the limits of Ancaster Area Specific UA-5 – Block “A” on Map A-2 “Area Specific Policies”; and, deleting and replacing the polices to allow for a maximum of 11,788 sq m of overall commercial uses, with a maximum of 10,525 sq m of District Commercial uses of which a maximum of 8,360 sq m of Gross Floor Area for select non-food retail shall be permitted.

In review, staff have amended the application to retain the existing “Arterial Commercial” designation while providing for the additional “District Commercial” uses under the Ancaster Area Specific UA-5 – Block “A”, as reviewed by the Commercial Needs and Impact Assessment, and as peer reviewed by Malone Given Parsons Ltd., which are supportable.

Staff are of the opinion that retaining the “Arterial Commercial” designation is most appropriate as it would maintain the intent and purpose as approved by the Ontario Municipal Board, File No. PL140597; has been designed in accordance with the “Arterial Commercial – Design” policies of Policy Section E.4.8.4 to E.4.8.7, and implemented through Final Approved Site Plan (DA-15-108), attached as Appendix “D” to Report PED16083.

The proposed amendment to allow for a boundary adjustment of the existing Ancaster Area Specific UA-5 Area to include Block 1 of Registered Plan 62M-1216 “Wilson Street Common” and Parts 5 and 7 of Reference Plan 62R-19991, is supportable, as it accounts for and recognizes the additional developable land due to the realignment of the “Lowe’s” development block to the east, which have been incorporated into the comprehensive development for these lands (shown as Block B on Appendix “D” to Report PED16083.

With respect to the recommended Gross Floor Areas, the submitted report did not assess the additional land area from the “Lowe’s” development site to the east, being 1,263 sq m, and is therefore recommended that it be added to the caps for “Arterial Commercial”. Staff note that as the lands are to remain in

“Arterial Commercial”, the need for a Gross Floor Area cap regarding “Arterial Commercial” uses is no longer required.

As for “District Commercial” Gross Floor Area caps, staff note that the report and peer review recommend maintaining a Gross Floor Area cap of 10,525 sq m for “District Commercial” uses. The peer reviewer has also recommended an additional cap for non-select food retail (i.e. Department Stores; Other General Merchandise Stores; Apparel and Accessories Stores; Furniture; Home Furnishings and Electronics Stores; Other Miscellaneous Retailers; Health and Personal Care Stores; Building and Outdoor Home Supply Store), being restricted to 8,360 sq m of the Gross Floor Area for “District Commercial” uses.

The submitted Commercial Needs and Impact Assessment, and as peer reviewed by Malone Given Parsons Ltd., the proposed additional uses for the existing commercial development will not negatively impact the planned function of the urban structure including existing and designated retail areas, Nodes, Corridors, and Commercial and Mixed Use areas in Ancaster or elsewhere in Hamilton. Furthermore, it was concluded that the proposal is suitable considering the context of the market area and population growth, and would increase and improve the level of service and convenience for shoppers.

Accordingly, staff have included the recommended Gross Floor Area caps of the peer reviewer, in order to maintain the intent and purpose of the Urban Hamilton Official Plan and the Ontario Municipal Board Order PL140597.

3. The applicant has requested amendments to Ancaster Zoning By-law No. 87-57 for changes from the Shopping Centre Commercial “C2-629” Zone, Modified, and the Shopping Centre Commercial “C2-630” Zone, Modified, to the General Commercial “C3-673” Zone, Modified.

In particular, the applicant has requested the same site-specific modifications with respect to regulations as established under By-law No.14-112 (Minimum Front Yard, Minimum Side Yard, Minimum Rear Yard, Minimum Lot Frontage, Minimum Landscaping Strips; and, Minimum Parking Requirements), save and except for modifications to broaden the range of permitted uses, identify prohibited uses; and, corresponding increases in Gross Floor Area caps, for the approved commercial development currently under construction.

#### General Commercial “C3-673” Zone

##### Permitted Uses:

The applicant has requested that only the uses documented below be permitted with a cap of 11,788 sq m of Gross Floor Area for all commercial uses, with a

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maximum of 10,525 sq m of District Commercial uses of which a maximum of 8,360 sq m of Gross Floor Area for select non-food retail (i.e. Department Stores; Other General Merchandise Stores; Apparel and Accessories Stores; Furniture; Home Furnishings and Electronics Stores; Other Miscellaneous Retailers; Health and Personal Care Stores; Building and Outdoor Home Supply Store) shall be permitted.

In review, staff have included further restrictions on office uses to be located above the first storey and additional prohibited uses as per Policy B.4.7.2 and B.4.8.3 of Volume 1 to the Urban Hamilton Official Plan.

- Banks and Financial Institutions;
- Business and Professional Offices located above the first storey;
- Brewers Retail Stores;
- Drugstores to a maximum of 8,360 sq m of Gross Floor Area;
- Retail stores to a maximum of 8,360 sq m of Gross Floor Area for stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise;
- Personal Service Shops;
- Places of Entertainment or recreation within wholly enclosed buildings, except for movie theatre(s);
- Travel Agencies;
- Convenience Retail Stores to a maximum of 8,360 sq m of Gross Floor Area;
- Farmer's Market;
- Gymnasiums or health clubs excluding body rub parlours;
- Insurance Offices located above the first storey;
- Libraries, Museums and Art Galleries; and,
- Liquor Control Board of Ontario Stores.

In addition to the above, the applicant has requested that the following "Arterial Commercial" uses for this development block:

- Animal Hospital;
- Animal Hospital with outside runs;
- Building Supply Sales;
- Building Supply Sales in wholly enclosed buildings;
- Convenience Retail Store in conjunction with and accessory to a Motor Vehicle Service Station;
- Caterers;
- Conference or Convention Centre;
- Craft and Custom Workshops;
- Home Furnishing Retail Establishment;
- Home Improvement Supply Establishment;

- Hotels;
- Motels, which shall not include a dwelling unit;
- Motor Vehicle Service Stations;
- New and / or Used Motor Vehicle Sales Establishment;
- Parking Areas of Structures;
- Recreational Areas or Uses, including Indoor Miniature Golf Courses and Golf Driving Ranges;
- Recreational Vehicles Sales, Service and Rental;
- Rental Establishments but not including Establishments for the Rental or Repair of Motor Vehicles and / or trailers;
- Rental Establishments or Service Shops;
- Restaurants; and,
- Restaurants, Fast Food.

With respect to the overall Gross Floor Area increase from 10,525 sq m to 11,788 sq m, staff support this increase as it is technical in nature, in that, it accounts for additional developable land due to the realignment of the “Lowe’s” development block to the east which have now been incorporated within this development block.

As for the Gross Floor Area caps for District Commercial uses, of which a maximum 8,360 sq m of Gross Floor Area for select non-food retail shall be permitted, has been included within the amending By-law, as recommended through the supported Commercial Needs and Impact Assessment, as peer reviewed, which will maintain the intent and purpose of the Urban Hamilton Official Plan.

In review of the requested “Arterial Commercial” uses, staff support the uses identified above as they comply with Policy B.4.8.2, Permitted Uses of the “Arterial Commercial” designation and the additional “District Commercial” uses and corresponding Gross Floor Area caps as supported by the submitted Market Demand & Impact Analysis Update (2015) study, and subsequent peer-review.

#### Prohibited Uses:

As mentioned above, as per Policy B.4.8.3 of Volume 1 of the Urban Hamilton Official Plan, and as per the findings of the peer review of the Market Demand & Impact Analysis Update (2015) study, staff have included and support the inclusion of the following prohibited uses.

However, it should be noted that as per the market study “Stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise” are supportable, subject to the recommended Gross Floor Area cap by the peer reviewer being 8,630 sq m.

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Accordingly, the following uses are to be prohibited:

- Movie Theatre(s);
- Supermarkets;
- Grocery Stores;
- Department stores;
- Warehouse Membership Club;
- Food Stores; and,
- Residential uses.

Regulations:

The applicant has requested that the existing site specific regulations pertaining to Minimum Front Yard, Minimum Side Yard, Minimum Rear Yard, Minimum Lot Frontage, Minimum Landscaping Strips; and, Minimum Parking Requirements as approved by Hamilton City Council on March 14<sup>th</sup> 2014 under By-law No. 14-112, be maintained.

In particular:

- Increase in minimum lot frontage from 15.0 m to 30.0 m;
- Reduce the minimum front yard from 3.0 m to 1.5 m, save and except for the proposed amendment for landscape strips, being, a minimum 3.0 m adjacent to each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units;
- Reduce the minimum side yard and minimum side yard abutting a street from 7.5 m and 3.0 m to 1.5 m respectively, save and except for where an interior side yard abuts a private vehicular turnaround, a 0.0 m side yard shall be permitted;
- Increase the minimum rear yard from 9.0 m to 10.0 m;
- Reduce the required parking and loading from 6 spaces per 100 sq m of floor area to 3.5 spaces per 93 sq m of floor area; and,
- Establish a minimum 3.0 m landscape strip adjacent to each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units.

As the proposed regulations were previously reviewed under applications ZAC-13-044 and OPA-13-012 and deemed appropriate for the development of the land, staff supports the inclusion of these modifications as previously approved, and as implemented through Final Approved Site Plan (DA-15-108), attached as Appendix "D" to Report PED16083.

4. Engineering Details:

**Information**

1. The subject site is being developed as part of the Wilson Street Common Subdivision.
2. The proposed subdivision requires the construction of a planned centralized stormwater management facility (pond) to be located on lands owned by the City of Hamilton adjacent to MTO lands.
3. Site Servicing Plan for Block C by OdanDetech dated May 13, 2015 shows that site will be serviced through 300 mm watermain, 375 mm sanitary sewer, and 825 mm storm sewer on Portia Drive adjacent to the proposed development “Block B”.
4. The City has received a draft ECA approval for Duff’s Corners SWM pond dated August 6, 2015. That approval letter states that drainage areas of Wilson Street Common, Duff’s Corners Business Park, future external and adjacent lands, with individual private lots require to provide both water quantity (440 m<sup>3</sup> per ha of private lot for the 2 year up to / and including 100 year post development storm events) and water quality with each lot to provide a minimum treatment of Normal Level of protection (e.g. 70% TSS average long term removal), discharging to the street storm sewer that discharges to the centralized dry pond as part of the overall site’s stormwater management treatment train approach. The draft ECA indicates on-site quality and quantity controls for each Block that may require a separate MOE ECA application and approval.

Lastly, the owner / applicant is advised that the requisite conditions of Registered Plan 62M-1216 “Wilson Street Commons” remain applicable.

**ALTERNATIVES FOR CONSIDERATION**

If the application is denied, the applicant would be able to develop the lands for commercial purposes in accordance with the existing provisions of the Shopping Centre Commercial “C2-629” Zone, Modified.

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

**Strategic Priority #1**

A Prosperous & Healthy Community

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

**Strategic Objective**

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.4 Improve the City's transportation system to support multi-modal mobility and encourage inter-regional connections.
- 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 Priority #3**

Leadership & Governance

*WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.*

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Urban Hamilton Official Plan Amendment
- Appendix "C": Zoning By-law No. 87-57 Amendment
- Appendix "D": Site Plan

:AC/YR