



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 5, 2016
SUBJECT/REPORT NO:	Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 97, 105 & 111 Wilson Street East (Ancaster) (PED16145) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Melanie Schneider Planner II (905) 546 - 2424 Ext. 1224 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to **Zoning By-law Amendment Application ZAC-15-030 by 2302495 Ontario Inc. (Owner)**, for a change in zoning from the Existing Residential “ER” Zone (Block 1) and Residential “R2” Zone (Block 2) to the Residential Multiple “RM4-676” Zone, Modified, in order to permit the development of ten townhouse units on lands located at 97, 105 & 111 Wilson Street East (Ancaster), as shown on Appendix “A” to Report PED16145 on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED16145, 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 1-B of Schedule “A” of the Town of Ancaster Zoning By-law No. 87-57.
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.

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EXECUTIVE SUMMARY

The purpose and effect of the proposed Zoning By-law Amendment to the Town of Ancaster Zoning By-law No. 87-57 is for a change in zoning from the Residential “R2” Zone and Existing Residential “ER” Zone to the Residential Multiple “RM4”-676” Zone, Modified, in order to permit the development of ten townhouse units within two blocks and a parking area for eight visitor parking spaces.

The proposed Zoning By-law Amendment has 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).

Alternatives for Consideration – See Page 25

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 an application for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject lands are located on the northeast corner of the Jerseyville Road, Wilson Street East and Cameron Drive intersection, on the north side of Wilson Street East (see Appendix “C” to Report PED16145).

The applicant proposes to develop two blocks of three-storey townhouses for a total of ten units having frontage on Wilson Street East. Eight visitor parking spaces will be provided on the subject lands. A future Standard Draft Plan of Condominium Application will be required in order to establish tenure for each dwelling unit. In order to facilitate the development, the applicant proposes modifications to the Residential Multiple “RM4” Zone relating to front, rear and side yard setbacks, density, height, lot size, lot depth, landscaping requirements, and reductions in yard setbacks for privacy screens.

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Chronology:

July 24, 2015: Application ZAC-15-030 deemed complete.

August 10, 2015: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-15-030 to 63 property owners within 120 m of the subject lands.

August 5, 2015: Public Notice Sign installed on subject lands.

June 8, 2016: Public Notice Sign updated with Public Meeting Information.

June 17, 2016: Circulation of the Notice of Public Meeting to 63 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 97, 105 & 111 Wilson Street East (see Appendix “A” to Report PED16145)

Owner/Applicant: 2302495 Ontario Inc.

Agent: UrbanSolutions Planning & Land Development Inc.
(c/o: Matt Johnston & Victoria Coates)

Property Description:

<u>Lot Frontage:</u>	60.72 m
<u>Lot Depth:</u>	34.82 m (irregular)
<u>Lot Area:</u>	0.24 ha
<u>Servicing:</u>	Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Existing Residential “ER” Zone & Residential “R2” Zone

Surrounding Land Uses:

North	City Owned Woodlot & Single Detached Dwelling	Public Open Space “O2” Zone and Existing Residential “ER-210” Zone, Modified
South	Local Commercial and Single Detached Dwelling	Urban Commercial “C4” Zone and Existing Residential “ER-202” Zone, Modified
East	Single Detached Dwelling	Existing Residential “ER” Zone
West	Single Detached Dwelling	Residential “R2” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* and the *Greenbelt Act* require that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan and the Greenbelt Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

Staff also note Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS (2014) also applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

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Staff note the subject lands meets two of ten criteria the City and Ministry of Tourism, Culture and Sport use for identifying archeological potential. Notwithstanding current surface conditions, these criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If any future application is approved, staff require that a written caution be added to the future Site Plan.

As the application for a change in zoning complies with the Official Plan and the relevant policies pertaining to Cultural Heritage and sensitive land uses in the PPS, 2014, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*;
- consistent with the Provincial Policy Statement; and,
- conforms to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as a “Community Node” on Schedule “E”, and designated as “Neighbourhoods” on Schedule “E-1” - Land Use Designations. The following policies, amongst others, apply:

General Residential Intensification Policies

“B.2.4.1.3 The residential intensification target specified in Policy A.2.3.3.4 shall generally be distributed through the built-up area as follows:

- b) The Urban Nodes and Urban Corridors identified in Section E.2.0 - Urban Structure, excluding the Downtown Urban Growth Centre, shall be planned to accommodate approximately 40% of the residential intensification target.

B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;

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- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.”

The proposed development will be located within a Community Node as identified in Section E.2.0 – Urban Structure. The proposal consists of ten dwelling units within a mixed use area, comprised of a range of dwelling types and tenures. The proposed scale, form and character of the development has regard for the existing area and the future policy direction for the area, since townhouse dwellings are permitted within the Low Density Residential 3 designation of the Ancaster Wilson Street Secondary Plan. The proposed built form and scale of townhouse dwellings reflects the established character of Wilson Street East and Jerseyville Road, which is comprised of large single detached dwellings setback from the street line. The proposed footprint of the dwelling units shows creative design techniques by providing a variation in setbacks to the street. Infrastructure and adequate transportation capacity have been evaluated by staff, which are both discussed further below. Staff are also satisfied that the proposal complies with all applicable policies as discussed below.

“B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

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- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations; and,
- h) the ability to complement the existing functions of the neighbourhood.”

The proposed development is located adjacent to several single detached dwellings. Both townhouse dwellings and single detached dwellings are permitted within the Low Density Residential 3 Designation of the Ancaster Wilson Street Secondary Plan, complementing the intent of the existing functions of the neighbourhood. Zoning requirements are also provided to ensure buffering in the form of enhanced planting strips, landscaped areas and masonry walls are provided for additional compatibility measures. Staff are satisfied there will be no shadow or height impacts with the proposed development. Massing and scale have been evaluated through the submitted Urban Design Brief, which confirms that massing is consistent with the established character of the Wilson Street East neighbourhood. Amenity space will be provided at the rear of each unit with access to a local park to the southwest of the subject lands. The proposed building setbacks are consistent with the existing dwelling to the east and are further back from the dwelling to the west along Jerseyville Road which also provides a visual transition from adjacent single detached dwellings to the proposed townhouse units. Side yard setbacks are sufficient to provide landscape buffering and access to the rear of the lands. The streetscape pattern, including setbacks and separations are consistent with the character of the surrounding area.

Urban Design Policies

- “B.3.3.9.4 Landscaped walkways shall be provided along buildings, particularly in areas with high levels of pedestrian traffic. Walkways shall be connected to other pedestrian routes on the site and linked to pedestrian entry points at the street, and where appropriate to adjacent developments.
- B.3.3.10.6 Perimeters of surface parking lots shall be landscaped with appropriate materials that allow visibility from the public realm to the interior of the parking area.
- B.3.3.13 The policies of this section shall be implemented through mechanisms such as zoning, plans of subdivision and condominium, site plan control, site plan guidelines, and urban design guidelines as specified in Chapter F – Implementation.”

The applicant proposes a parking area for visitor parking at the front of the lands. This area will be screened by enhanced landscaping and a low masonry wall in keeping with the surrounding area where masonry walls are a local feature. In order to ensure the pedestrian realm is connected to this development, pedestrian walkways will be included internal to the site and will be further evaluated at the Site Plan stage.

General Policies for Noise and Vibration Emissions

“3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.”

The applicant proposes a residential development, which is considered to be a sensitive land use, adjacent to Wilson Street East and Jerseyville Road which are designated major and minor arterial roads, respectively. At the Formal Consultation stage, it was identified that a Noise Impact Study would be required to proceed with the development. Since the mitigative measures for this development would be addressed through construction techniques of the townhouse units, staff are satisfied that a Noise Impact Study will be reviewed at the Site Plan Stage. Necessary Warning clauses identified through the future Study can be included on the Site Plan drawing along with any further recommendations identified in the Study and implemented through the Site Plan.

Community Node

“E.2.3.3.1 The following areas are identified as Community Nodes on Schedule E – Urban Structure:

- a) The downtowns of the former municipalities of Dundas, Ancaster, Flamborough (Waterdown), and Stoney Creek.

E.2.3.3.2 Within each Community Node a range of uses shall be provided that allow for access to housing, employment, services, and recreation in close proximity to each other and transit. The Community Nodes shall provide services to residents within the former area municipalities and surrounding neighbourhoods in a mixed use environment.

E.2.3.3.5 Community Nodes shall function as vibrant, mixed use areas containing a range of housing opportunities, including affordable housing and housing with supports. The unique characteristics of the individual Community Nodes lend themselves to a range of built forms.

E.2.3.3.6 Community Nodes shall be linked to the higher order transit system through connecting conventional transit or by rapid transit, where possible. Where possible, the City shall direct local routes through the Community Nodes.”

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The subject lands are located within the Ancaster Community Node and will contain dwelling units that contribute to the mixed use character of the surrounding environment. The proposed townhouse units contributes to a range of built forms which currently primarily consists of single detached dwellings and local commercial uses. This portion of Wilson Street East is serviced by the HSR bus route #16.

Neighbourhoods

“E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.

E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The applicant proposes ten townhouse dwellings having a maximum height of three storeys, in keeping with the above noted policies.

Tree and Woodland Protection

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

In addition to the policy above, a private tree protection by-law (By-law no. 2000-118) is in place for the Town of Ancaster, which regulates the injury and removal of trees that are 45 cm diameter-at-breast-height (DBH) or greater.

At the Formal Consultation stage of this application, it was identified that the subject lands contained several trees, some of which were Heritage trees. As a result, a Tree Protection Plan was requested with this proposed Zoning By-law Amendment. Between the time of the Formal Consultation and the submission of this application, the subject lands were cleared of all vegetation. This activity occurred outside of a Development Application and would have been subject to the Ancaster Private Tree By-law 06-151. Accordingly, tree compensation will not be requested for this tree removal. However, it is important to note that trees have been identified on adjacent properties (i.e. 130 Dalley Drive). The City recognizes the importance of trees to the health and quality of life in the community and encourages the protection and restoration of trees (policy C.2.11.1). To protect the trees (and their roots) that are on the neighbouring property, a Tree Protection Plan following the City’s Tree Protection Guidelines (Revised October 2010) will be required at the Site Plan Control stage.

Servicing

Policy C.5.4 of Volume 1 of the UHOP provides direction with regards to storm water management:

“C.5.4 The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.”

The applicant has submitted a Functional Servicing Report, prepared by S. Llewellyn & Associates, dated September, 2015, in support of the application. The report includes recommendations for servicing and stormwater management to facilitate the proposed development. At the Site Plan stage, the applicant will be required to provide an updated report which addresses staff comments.

Transportation

The subject property is classified on Schedule “C” Functional Road Classification Plan as a “Major Arterial Road”. Policy C.4.5.2 identifies the following provisions for the design of Major Arterial Roads:

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

c) Major arterial roads, subject to the following policies:

iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.

d) Minor arterial roads, subject to the following policies:

iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.”

According to the City’s records, the existing road allowance width of the subject section of Wilson Street East is 24.6 m, while the designated road allowance width in accordance with Schedule C-2 – Future Road Widening of the UHOP is 30.48 m. Jerseyville Road currently has a width of approximately 19.6 m, while Schedule C-2 – Future Road Widening shows the ultimate width shall be 32 m. At the Site Plan Control stage a right-of-way widening of 6.2 m will be required from the frontage on Jerseyville Road and a road widening of varying width, ranging from approximately 6.0 m to 8.0 m will be required along Wilson Street East. The Concept Plan provided by

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the applicant (Appendix “D” to Report PED16145) identifies the required road widenings and were included in staff’s review of this proposal to capture any additional zoning requirements.

Ancaster Wilson Street Secondary Plan, Volume 2 of the UHOP

The subject lands are designated “Low Density Residential 3” in the Ancaster Wilson Street Secondary Plan in Volume 2 of the UHOP. The lands are also located within an area identified as a “Transition Area”, and the majority of the property (105 and 111 Wilson Street East) is identified as being within the “Community Node Area” in the Ancaster Wilson Street Secondary Plan. The lot at 97 Wilson Street East partially fronts onto a segment of Jerseyville Road that is identified as a “Special Character Road”. The Ancaster Wilson Street Urban Design Guidelines also apply to this area. Specifically, the proposal should show how the Urban Design Guidelines for the “Transition Area” are being met, particularly with regards to building orientation, parking and access. The following policies, amongst others, apply:

“B.2.8.6.1 In addition to Section E.2.3.3 - Community Nodes of Volume 1, and the policies of this Secondary Plan, the following policies shall apply to the Ancaster Community Node shown on Appendix A - Character Areas and Heritage Features:

b) The Ancaster Community Node shall be a focus area for growth, development, and intensification within the Ancaster Wilson Street Secondary Plan.

B.2.8.7.2 General Residential Policies

a) Residential development or redevelopment and infill development shall maintain and enhance the character of the residential areas through architectural style that is sympathetic and complementary with the existing adjacent residential areas, heritage buildings, and uses. Further direction regarding design shall be provided in the Urban Design policies, detailed in Policy 2.8.12 of this Plan.”

The proposal provides residential intensification within the Ancaster Community Node / Ancaster Wilson Street Secondary Plan by providing townhouse units in an area primarily consisting of single detached dwellings. The proposed townhouse units will include hip and gabled roofs, as directed through the Urban Design Guidelines for the Ancaster Wilson Street Secondary Plan. Additional architectural treatments such as a masonry wall within the landscaped area and stone façade on the building elevations complement the existing built heritage of the Wilson Street East neighbourhood (see Appendix “C” to Report PED16145).

“B.2.8.7.3 Low Density Residential Designations

- 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.
 - ii) Notwithstanding Policy E.3.4.4 of Volume 1, the net residential density range shall be 2 - 60 units per hectare.
 - vi) New development or redevelopment shall ensure the height, massing, scale, and arrangement of the buildings and structures are compatible with the abutting uses.”

The proposed development consists of townhouse dwellings with a net residential density of 42 units per hectare. The proposed Zoning By-law provides for minimum landscaping requirements, maximum density, and maximum height requirements in order to ensure the housing form, density, massing and height are in keeping with the above noted policies. The units are comprised of two blocks containing five units each, with the easterly unit providing a setback consistent with the lands to the east to ensure arrangement of the buildings are compatible with the surrounding area. (see Appendix “B” to Report PED16145).

“B.2.8.12.1 Urban Design Policies

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 area, as identified on Map B.2.8-1 Ancaster Wilson Street Secondary Plan: Land Use and Appendix A – Character Areas and Heritage Features:

- c) Development and redevelopment shall be consistent with the Ancaster Wilson Street Secondary Plan Urban Design Guidelines, and shall be sympathetic to adjacent building styles, features, and materials when adjacent to a designated or listed heritage building.
- e) New development or redevelopment shall complement the distinct character, design, styles, building materials, and characteristics, which define each Character Area.

- h) Development and redevelopment shall foster streets as interactive outdoor spaces for pedestrians.”

The development includes several pedestrian connections and enhanced landscaping to provide an interactive outdoor space for pedestrians. The applicants submitted an Urban Design Brief, prepared by Michael Spaziani Architects Inc. and dated February 19, 2015 in support of the application. Staff have reviewed the Urban Design Brief and have provided feedback in response and are generally satisfied with the proposal to ensure the development of the lands complement the distinct character, design, styles, building materials, and characteristics of the Community Node. The built form is further discussed in the Ancaster Wilson Street Secondary Plan Urban Design Guidelines Section of this Report. The development will be further reviewed at the Site Plan stage to further ensure the development complements the distinct character, design, styles, building materials and characteristics of the Transition Area and implements the applicable Official Plan policies and requirements of the Urban Design Guidelines.

“B.2.8.13.2 Special Character Roads

- a) Special Character Roads are identified on Appendix A – Character Areas and Heritage Features and include:
 - i) Jerseyville Road East from Lovers Lane to Wilson Street East;
- c) The existing character of these streets identified in Policy 2.8.13.2a) shall be protected by minimizing changes to the existing road right-of-way and ensuring that development or redevelopment is compatible with, and sympathetic in design to the character of the existing streetscape.”

The subject lands have frontage along both Jerseyville Road and Wilson Street East. At the Site Plan Stage, the applicant will be required to submit detailed elevations of the proposed development to further ensure the proposal is sympathetic in design to the existing character of Jerseyville Road. The Concept Plan provided in the Urban Design Brief, prepared by Michael Spaziani Architects Inc., also confirms the proposal meets the intent of Policy B.2.8.13.2c) since it shows stone façade treatments consistent with the surrounding area, and a hip and gabled roof line as directed through the Urban Design Guidelines (further discussed below, see Appendix “C” to Report PED16145).

“B.2.8.14.1 Transportation Policies

- d) Access to Wilson Street for development or redevelopment shall be via shared laneways or condominium roads, where possible, to contribute to an improved streetscape and urban character, while

enhancing road safety by limiting multiple individual accesses onto Wilson Street.

- f) Development or redevelopment within the Ancaster Wilson Street Secondary Plan shall have regard for the Council-adopted Transit Oriented Development Guidelines.

B.2.8.14.2 In addition to Section C.4.3 - Active Transportation Network of Volume 1, the following policies shall apply to the entire Secondary Plan area:

- c) When development or redevelopment occurs, pedestrian amenities shall be required in order to promote a viable streetscape and encourage active transportation and a continuous street presence. Pedestrian amenities include, but are not limited to, street furniture, wayfinding signs, and paved walkways.
- d) An Urban Design Report shall be submitted as part of any development or redevelopment, and shall demonstrate how pedestrian amenities can be accommodated.”

The proposed development includes one central access from Wilson Street East that will include a condominium road access to all ten townhouse units and visitor parking area. Street presence will be enhanced by landscaping and architectural features including a low masonry wall adjacent to the existing paved walkway. The submitted Urban Design Brief, dated February 19, 2015 and follow up response letters from the applicants, dated January 13, 2016, confirm that the development provides sufficient pedestrian amenities and has regard for the Council-Adopted Transit Oriented Development Guidelines.

Based on the foregoing, the proposal complies with the policies of the UHOP.

Ancaster Wilson Street Secondary Plan Urban Design Guidelines

The lands are located within the Transition Area of the Ancaster Wilson Street Secondary Plan Urban Design Guidelines. The proposed building form on the subject lands is identified as Typology A. The following excerpts of the Guidelines apply.

Design Goals

“The design guidelines for the Transition Design District recognize and anticipate the evolution of the area from residential to mixed use. The intent of the design guidelines is to promote a compatible built form that compliments the character of the community and encourages high quality development. Pedestrian circulation and bicycle access is

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prioritized with the green quality of the corridor preserved and enhanced. Primary elements of the guidelines that achieve this include:

- Flexibility in building design and use is encouraged to support the emerging mixed use function of the area;
- Building masses are parallel to the street with strong pedestrian connections; and,
- Building heights are limited to 3 storeys with pitched rooflines.”

The proposal includes ten townhouse units with a maximum height of three storeys, and that are positioned parallel to Wilson Street East. Pedestrian connections are provided from the existing sidewalks on Wilson Street East within the site. The proposed townhouse units contribute to the mixed use function of the area which includes commercial uses to the east and south east.

- “Buildings could have combined hip and gabled roof (Height and Roofline);
- Front yard setback shall be no less than adjacent buildings (Setback & Orientation);
- Trees and shrubs should be used to soften walls and façades (Landscape);
- Should be provided in side or rear yard (Parking); and,
- Walls located in the front yard should be a maximum of 0.6 metres high (Fences and Walls).”

The applicant has confirmed that the ultimate built form of the townhouse dwellings shall include a hip and gabled roof and will be confirmed through the Elevation Plans at the Site Plan Control stage. In order to provide a site layout that provides all parking on site and to take advantage of private amenity space to the rear of the lands, including the City owned lands to the north, the applicant is proposing a parking area in the front yard, screened by enhanced landscaping, including trees and shrubs, and masonry wall treatments. Staff are satisfied that the appropriate mitigation measures are provided to permit the parking area in the front yard. The landscaping will be further reviewed at the Site Plan Control stage. Due to the lot configuration and shape, the westerly unit is setback behind the adjacent dwelling to the west, however the setback of the easterly unit is consistent with the single detached dwelling to the east to provide a consistent front yard setback. The height of the masonry walls will be limited to 0.6 m and further evaluated at Site Plan Control stage.

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Based on the foregoing, the proposal meets the intent of the Ancaster Wilson Street Secondary Plan Urban Design Guidelines.

Transit Oriented Development Guidelines

The City of Hamilton Transit Oriented Development Guidelines (TOD) have been developed to encourage transit supportive land uses that are needed to provide more balanced transportation options which will enable other modes of travel to be as viable as the automobile. The development of TOD Guidelines are key components to supporting new transit infrastructure which is directed in the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

The following policies are considered relevant to the proposal:

“2.2.3 Encourage a diversity in housing types / tenures around transit:

- b) TOD areas provide opportunities to offer choice in housing types / tenures to meet the need of new and changing demographic demands.

2.6.2 Promote an appropriate balance of parking

- c) Some parking may be appropriate if well designed and fitting to the scale of the TOD area:
 - Perimeter and interior landscaping of parking lots will help the pedestrian environment.

2.6.3 Parking should not be the focus within TOD areas, even when available

- d) Parking areas should have a high degree of landscaping and facilitate pedestrian movement from the parking areas to the sidewalks, storefronts, and transit stations and stops.”

The applicant proposes townhouse units adjacent to existing transit infrastructure, being an HSR transit stop for Bus Route #16. The intent of the proposal is to offer a choice in housing types and tenures since the existing built form of Wilson Street East and Jerseyville Road are predominantly comprised of single detached dwellings. The proposed parking area will be located on site and surrounded by enhanced landscaping, in the interior and at the perimeter of the subject lands to contribute to a well designed pedestrian environment. Pedestrian connections are provided from the parking area to the street to facilitate pedestrian movement.

Based on the foregoing, the proposal meets the intent of the TOD Guidelines.

RELEVANT CONSULTATION

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

- Bell Canada; and,
- Hamilton Conservation Authority.

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

Corridor Management, Public Works Department have no concerns with the application. Staff advise that all abandoned accesses must be removed and the boulevard and sidewalk restored. Visibility triangles having dimensions of 3 m by 3 m shall be provided, where the maximum height of any objects or mature vegetation shall not exceed 0.7m. An Access Permit will be required as a Condition of Site Plan Approval. Any costs for Utility relocation or other items are the sole responsibility of the applicant / owner.

Staff are satisfied that Corridor Management comments will be addressed through the Site Plan Control process.

Forestry and Horticulture Section, Public Works Department have no concerns with the subject application; however, staff have identified the requirement for a Landscape Plan and Tree Management Plan at the Site Plan Control stage. The Tree Management Plan shall identify all municipal trees, including those in conflict with the proposed development. All healthy trees on Municipal property which are found to be in conflict with this proposed development and do not meet criteria for removal will be subject to a Replacement Fee as per the Public Tree Preservation and Sustainability Policy. The requested Landscape Plan shall identify any additional trees to be planted within the municipal right of way. Forestry staff have also identified that the lands are subject to the Ancaster Private Tree By-law No. 06-151 and a permit may be required for additional tree removal on site.

Operations Support, Public Works staff note that based on the site plan, there is not enough turn-around space for a waste collection vehicle on the internal road in the development to provide door-to-door curbside collection. Internal roads must have a pavement width not less than 6.0 m, straight head-on approach from the entrance of driveway not less than 18 m and the surface strength to accommodate a fully loaded collection vehicle. Therefore, residents must set out all Garbage, Recycling, Organics and Leaf and Yard Waste containers curbside at the property entrance.

The following note should be placed on the future Site Plan drawing:

“Purchasers or tenants are advised that municipal waste collection vehicles will not enter the property to collect any waste including Garbage, Recycling, Organics, Leaf and Yard or Bulk waste. All Garbage, Recycling, Organics, Leaf and Yard, and Bulk waste must be placed curbside at the property entrance in appropriate containers and must comply with limits set out in City of Hamilton Solid Waste Management By-law 12-260, amending By-Law 09-067”

Prior to the commencement of Collection Services, the developer will be responsible for the collection and disposal of all Waste from any and all occupied units. Waste material generated by construction is not eligible for Collection Services and shall be disposed through a Private Waste Hauler, at the expense of the developer.

The above noted clause will be addressed at the future Site Plan and Draft Plan of Condominium stage.

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 63 property owners within 120 m of the subject property on August 10, 2015. To date, one public submission has been received, raising concerns related to height, noise, increased density and compatibility, and devaluation of land. These concerns are discussed in the Analysis and Rationale for Recommendation section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, 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 the Ancaster Wilson Street Secondary Plan, and is in keeping with the envisioned function and urban structure; and,
 - (iii) The proposed development is compatible with existing commercial and residential land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community.

2. Land Use

The applicant proposes the development of ten, three storey townhouse units having frontage on Wilson Street East, with eight visitor parking spaces screened by enhanced landscaping treatments. The frontage of Unit 10 has been located flush with the adjacent dwelling to the east to provide street presence and to continue the established street edge of Wilson Street East. The proposed location of the townhouse units aims to take advantage of the wooded area to the north, providing screening, private amenity space, and additional separation from the neighbourhood north of the subject lands. The proposed residential development contributes to the mixed use character of the Wilson Street Neighbourhood which includes commercial uses to the east. The proposed density also meets the intent of the Secondary Plan policies as it provides the directed, but compatible, intensification for this area.

Parking

Staff have indicated that the applicant is meeting parking requirements of the Zoning By-law, however, parking in the surrounding neighbourhood is highly regulated so there is little opportunity for overflow parking. As part of the purchase and sale agreement, the Site Plan Approval will ensure a warning clause will be implemented, noting that parking in the neighbourhood is heavily restricted. Suggested wording is as follows:

“It is the responsibility of the property owner / tenant to ensure that the parking provided on site is sufficient for his/her needs. On-street, over flow parking may not be available and cannot be guaranteed in perpetuity”.

The warning clause can successfully be incorporated through the Undertaking of the future Site Plan Control and Draft Plan of Condominium applications.

3. The following section outlines the recommended zone modifications:

Staff are recommending the proposed development be placed in a site specific Residential Multiple “RM4-676” Zone, Modified. The proposed zone change would implement the overall intent of the “Low Density Residential 3” policies identified in the Secondary Plan. The proposed “RM4-676” Zone would also have regard for the residential uses to the east, west, and north. The surrounding residential uses are designated “Low Density Residential 1” and “Low Density Residential 3” which permits a range of dwelling types from single detached to townhouse dwellings. The proposed zone would encourage a range of dwelling types that respect the existing built form of the Ancaster Wilson Street Secondary Plan.

Special zoning regulations are provided for the following:

Density

The applicant proposes a maximum density of 42 units per ha whereas the By-law requires a maximum density of 30 units per ha. The proposed density complies with the density requirements of Policy B.2.7.8.3b)ii) of the Ancaster Wilson Street Secondary Plan, a maximum of 60 units per ha while still providing adequate visitor parking, privacy areas and landscaping. Accordingly, the modification is reasonable and supported by staff.

Minimum Lot Size

The applicant proposes a minimum lot area of 0.24 ha, whereas the By-law requires a minimum lot area of 0.4 ha. While the subject lands are smaller than required, the lands are further confined by the required road widenings, as noted in Policies C.4.5.2c) and d) in Volume 1 of the UHOP. The minimum required 0.4 ha lot area is established to provide not only an adequate building envelope and amenity space, but also included a children's play area for a townhouse development. Since the proposal will not include a children's play area and the townhouse units will be located adjacent to a wooded area, staff are satisfied that an adequate building envelope will be provided with the proposed 0.24 ha lot area. Private amenity space will also be provided to the rear of the units. Accordingly, the modification is reasonable and supported by staff.

Minimum Privacy Area

The applicant proposes a minimum 33 sq m privacy area for each dwelling unit whereas the By-law requires a minimum 35 sq m privacy area for each dwelling unit. Staff are satisfied that 33 sq m will continue to provide adequate privacy space. Staff are of the opinion that the proposed modification is minor in nature and privacy space will be identified at Site Plan stage for each dwelling unit. Accordingly, the modification is reasonable and supported by staff.

Children's Play Area

The applicant proposes to not provide a children's play area whereas the By-law requires a children's play area that has a minimum area of 7 sq m for every dwelling unit. Staff note that the lands have frontage on Major and Minor Arterial Roads. With the traffic levels of this area and the constraints of the existing lands, there would not be adequate space to accommodate a children's play area and still meet density requirements of the Secondary Plan. The lands are located approximately 380 m north east of Brockhouse Park, which can provide a play

area, in addition to the privacy areas for each dwelling unit. Accordingly, the modification is supported by staff.

Maximum Lot Coverage and Landscaping

The applicant proposes a maximum lot coverage of 35% and minimum landscaped area of 40% whereas the By-law requires a maximum lot coverage of 30% and minimum landscaped area of 45%. In support of the application, the applicant has submitted a Stormwater Management Report which addresses how overland water flow is managed on site with the increased lot coverage. At the Site Plan stage, the SWM Report will be finalized to further confirm this concern is appropriately addressed. Staff are satisfied that the increased lot coverage and decreased landscaping will not negatively impact the surrounding character of the neighbourhood since enhanced landscaping will be provided along the frontage of the lands and along the side yards, consistent with the existing character of the area. Site infiltration will be confirmed through the Stormwater Management Report to ensure there will be no adverse impact. Accordingly, the modification is reasonable and supported by staff.

Minimum Yard Setbacks

The applicant proposes a minimum front yard setback of 3.0 m, a minimum side yard setback of 2.1 m, and a minimum rear yard setback of 6.0 m whereas the By-law requires minimum front, side and rear yard setbacks of 7.5 m. In order to implement the Ancaster Wilson Street Secondary Plan Urban Design Guidelines relating to providing an active street edge consistent with adjacent lands to the east, a reduced front yard is required for only one unit. The remaining nine units will provide setbacks ranging from 15 m to 30 m due to the irregular shape of the lot and to provide adequate space for visitor parking. The proposed side and rear yard reductions also uphold the intent of the Urban Design Policies which promote more compact forms of development while still maintaining adequate space for access and private amenity space. Accordingly, the modification is reasonable and supported by staff.

Building Separation

The applicant proposes a building separation of 2.5 m from end wall to end wall whereas the By-law requires a minimum 3.0 m separation from end wall to end wall. Staff note that with the 0.5 m reduction, there is still adequate space for access and drainage purposes. Accordingly, the modification is reasonable and supported by staff.

Height

The applicant proposes a maximum height of 11.0 m whereas the By-law requires a maximum height of 10.5 m. The proposed townhouse units will include a total of three storeys with private garages located on the ground floor. The proposed 11.0 m also complies with the maximum permitted three storeys as required in the Ancaster Wilson Street Secondary Plan. Accordingly, the modification is reasonable and supported by staff.

Parking Spaces Abutting a Street or Single Residential Zone

The applicant proposes a minimum 3.0 m setback from any parking space to a street and a minimum setback of 2.8 m to a detached dwelling Residential Zone whereas the By-law requires a minimum 6.0 m setback from any parking space to a street and a minimum 3.0 m to a detached dwelling Residential Zone. Staff note that the proposal will include enhanced landscaping and a masonry wall to provide a visual barrier for the parking area and landscaping along the side lot lines. With the proposed road widening, reduced setbacks are also necessary to provide a sufficient building envelope. Staff are satisfied that required landscaping will be reviewed at the Site Plan stage. Accordingly, the modification is reasonable and supported by staff.

Planting Strip Width

The applicant proposes a 1.4 m wide planting strip abutting a parking area containing four or more parking spaces abutting a lot containing one or two dwelling units whereas Section 7 of the By-law requires a planting strip having a minimum width of 3.0 m abutting a parking area adjacent to a lot containing one or two dwelling units. Section 17 of the By-law also requires that a 3.0 m wide planting strip be provided along all lot lines of an “RM4” Zone. Staff note that the 1.4 m width is to accommodate the manoeuvring space abutting the adjacent lands to the west while the remainder of the planting strips, including those along the front and rear lot lines, shall have a minimum width of 3.0 m. The reduced width will be located in the side yard only. The plantings within the reduced planting strip width will also be further reviewed at Site Plan stage to ensure adequate visual barrier are provided. Accordingly, the modification is reasonable and supported by staff.

Definition of Planting Strip

The applicant proposes that the definition of a planting strip shall include ornamental shrubs and / or trees and may also include a masonry wall and/ or a walkway whereas the By-law requires planting strips to contain only ornamental shrubs and / or trees. As per the Urban Design Guidelines, new development

shall include architectural features that complement the existing character of the neighbourhood and provide pedestrian connections to new development. As an architectural element in the applicant's proposal, a masonry wall was proposed that is consistent with those found at the intersection of Wilson Street East and Jerseyville Road. The masonry wall will also serve the purpose of a visual barrier for the parking area in the front yard. The proposed walkway will be located next to the driveway access with another connection in the westerly side yard. Staff are satisfied that the modified definition will provide sufficient direction for planting strips with adequate space for the planting of ornamental shrubs and trees. Accordingly, the modification is reasonable and supported by staff.

4. Engineering Details

Existing Services

Staff note existing servicing, including watermains and sanitary municipal sewers are present to accommodate the proposed development. The sanitary sewer is designed to accommodate a range of 80-95 persons per hectare at 3.0 to 3.5 persons per residential unit. The applicant will be required to provide a wastewater generation assessment at time of the Site Plan Control application to establish an equivalent population density for the City's Records.

Stormwater Management

The applicant submitted a Functional Servicing Report, dated September 2015 in support of the application, which addresses servicing and stormwater management. Staff have reviewed the Report and are satisfied that any outstanding issues are minor and can be addressed through the Site Plan stage.

Minor Storm Sewer Servicing

Capacity provision for runoff $C = 0.40$ was made in the separated system on Wilson Street East, according to drawing set 11-H-13. A storm drainage area plan complete with an illustration of a private piped network, appropriate runoff coefficients, and location of outlet points on the City's receiving conveyance system will be required to supplement the site servicing and grading plans. This will be requested as a Standard Condition of Site Plan Approval.

5. The circulation of the application to consider a Zoning By-law Amendment application has resulted in the submission of correspondence from one property owner (see Appendix "D" to Report PED16145):

**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 97, 105 & 111 Wilson Street East (Ancaster)
(PED16145) (Ward 12) – Page 24 of 25**

The issues identified in the letters are as follows:

Height

The property has raised concerns that the proposed townhouse units will provide light impacts on the lands to the north, which are of a much lower elevation than the subject lands. Staff note that the lands are separated from the residential lands to the north by City owned lands that contain a dense establishment of trees. The treed area will provide a substantial visual barrier from the proposed development in addition to the 6.0m rear yard on the subject lands. Staff have reviewed the application and have no concerns regarding shadowing.

Noise

A nearby property owner has identified that with additional residential units, there would be an increase in noise from the development. Staff note that the applicant proposes a sensitive land use adjacent to a residential neighbourhood, which is also considered a sensitive land use. It is not anticipated that excess noise will be generated by the development of ten townhouse units.

Density

The adjacent property owner has raised concerns with the development being of high density and unsuited to the character of the area. The subject lands are designated “Low Density Residential 3” within the Ancaster Wilson Street Secondary Plan, which permits a maximum of 60 units per ha. The applicant proposes a density of 42 units per ha, which is well within the density requirements. The UHOP policies also promote a mix of land uses and built form in this neighbourhood which is supported by the existing single detached dwellings and commercial uses surrounding the subject lands. The City owned lands to the north of the subject lands provides a visual transition between land uses to further ensure the development is compatible with the established neighbourhood.

Devaluation of Land

The property owner is concerned that the proposed development will negatively impact the value of their own land. Staff are not aware of any supporting real estate information or documentation that would substantiate this concern, or any empirical data with respect to property devaluation. Based on the foregoing, staff are satisfied that this concern has been addressed.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the Existing Residential “ER” Zone and Residential “R2” Zone which permits existing structures, including the existing single detached dwelling and one single detached dwelling, respectively.

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

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 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.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Zoning By-law No. 87-57 Amendment
- Appendix “C”: Concept Plan
- Appendix “D”: Correspondence

:MS/