



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 144 Wilson Street East (Ancaster) (PED16146) (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-15-029 by Staibano & Associates (Owner)**, for a change in zoning from the Existing Residential “ER” Zone to the General Commercial “C3-674” Zone, Modified, in order to permit the conversion of the existing single detached dwelling for a medical office for lands located at 144 Wilson Street East (Ancaster), as show on Appendix “A” to Report PED16146 on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED16146, 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 Existing Residential “ER” Zone to the General Commercial “C3-674” Zone, Modified, in order to permit the conversion of the existing single detached dwelling for a medical office with 20 associated onsite 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 19

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 east of Jerseyville Road, southwest of Dalley Drive and north of the Hamilton Golf & Country Club, on the south side of Wilson Street East (see Appendix “A” to Report PED16146).

The applicant proposes to convert the existing single detached dwelling into a medical office with a parking area for 20 parking spaces to be located in the front yard. In order to facilitate the development, the applicant proposes modifications to the General Commercial “C3” Zone relating to side yard setbacks, planting strip requirements, and the location of parking area relative to the street and adjacent residential zones.

Chronology:

December 2, 2015: Application ZAC-15-029 deemed complete.

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December 4, 2015: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-15-029, to 48 property owners within 120 m of the subject lands.

December 12, 2015: Public Notice Sign installed on subject lands.

January 4, 2016: Public Notice Sign reinstalled 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 48 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 144 Wilson Street East (see Appendix “A” to Report PED16146)

Owner/Applicant: Staibano & Associates

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

Property Description:

<u>Lot Frontage:</u>	36.41 m
<u>Lot Depth:</u>	75.47 m (irregular)
<u>Lot Area:</u>	0.22 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>	Single Detached Dwelling	Existing Residential “ER” Zone

Surrounding Land Uses:

North	Vacant Lands & Single Detached Dwellings	General Commercial “C3-665” Zone, Modified, Public Open Space “O2” Zone, and Existing Residential “ER-204” Zone, Modified
South	Hamilton Golf & Country Club and Single Detached Dwellings	Private Open Space “O1” Zone and Existing Residential “ER” Zone
East	Single Detached Dwelling	Existing Residential “ER” Zone
West	Single Detached Dwelling	Existing Residential “ER” 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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The subject property meets three of the ten criteria for Archaeological potential and the policies found in Subsection 2.6.2 does not permit development on land in which there is archaeological potential unless the archaeological resources have been conserved. Based on the lands being disturbed through the construction of the existing single detached dwelling, staff recommend that a Caution Note be placed on any future Site Plan to ensure any archaeological resources are conserved.

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:

Community Node

“E.2.3.3.9 The built form shall largely be in medium and low rise, mixed use buildings. Along the commercial and mixed use streets, single use commercial buildings shall be permitted along with residential housing forms on the periphery of the Nodes. However, the intent of this Plan is to increase the proportion of multiple storey, mixed use buildings that have retail and service commercial uses at grade.

E.2.3.3.15 In the newer Community Nodes, a strong pedestrian focus shall evolve over time through infilling of retail, service commercial and mixed use buildings while being sensitive to the character and density of surrounding residential areas.”

The applicant proposes a single use commercial building containing a medical office. The proposal will maintain a strong pedestrian focus by providing pedestrian connections internal to the site from the existing pedestrian walkway along Wilson Street East. Since the proposal includes the conversion of the existing single detached dwelling into the medical office, the proposal is sensitive to the character and density of the surrounding residential 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.”

In order to facilitate the conversion of the existing building, the applicant proposes a parking area on site that will include landscaping surrounding the parking area, as well as pedestrian access from the street connected from the building to the existing public pedestrian network. The associated requirements as described in the Urban Design Policies will be further reviewed through the future Site Plan Control stage.

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.

To facilitate this development, trees may be impacted at the front of the property where there will be a change from the semi-circle driveway to a centralized parking lot. The Tree Protection Plan is to be prepared by a tree management professional (i.e. certified arborist, registered professional forester, landscape architect) following the City’s Tree Protection Guidelines (Revised October 2010). A review fee will be required to be submitted with the TPP and will be reviewed at the Site Plan Stage.

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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 Stormwater Management Report, prepared by S. Llewellyn & Associates, dated September 18, 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 to address stormwater management in further detail. Overall, staff are satisfied that there are no Stormwater Management concerns regarding the proposed use.

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:

- i) The primary function of a major arterial road shall be to carry relatively high volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- 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.

According to City 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. The applicant / owner has been advised that as part of a future Site Plan Control Application, a road allowance widening will be required to ensure a future road allowance width of 15.24 m from the original centre line of the street. The Concept Plan provided by the

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applicant (Appendix “D” to Report PED16145) identifies the required road widening and was also incorporated into staff’s review of the proposal.

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 and also fall within the Community Node Area and the Transition Area of the Ancaster Wilson Street Secondary Plan. The following policies, amongst others, apply:

“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:
 - iii) In addition to Policy E.3.4.3 of Volume 1, small scale commercial uses shall be permitted, including business and professional offices, medical office uses or clinics, day nursery, artist studios, funeral homes, and personal services.
 - v) In accordance with Policy 2.8.7.3 b)iii) of this Plan, commercial uses shall be subject to the following:
 - 1. Permitted uses shall be located in stand-alone commercial or mixed use buildings;
 - 4. Parking shall be accommodated on site or through shared parking lots, where feasible;
 - 5. New stand-alone commercial buildings shall be subject to the following provisions:
 - a. Commercial uses shall not exceed a total gross floor area of 500 square metres.
 - 6. For existing buildings established or created prior to the day of approval of this Plan, and which are converted to commercial uses, Policy 2.8.7.3 b)v)5) shall not apply. Commercial uses shall be limited to the existing building.

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- iv) Notwithstanding Policy 2.8.7.3 b)iii) of this Plan, prohibited uses include retail, financial establishments, restaurants, motor vehicle service stations, and gas bars.
- vi) New development or redevelopment shall ensure the height, massing, scale, and arrangement of the buildings and structures are compatible with the abutting uses.”

Policy B.2.8.73b)iii) permits several local commercial uses, including medical office, in addition to Policy E.3.4.3 of Volume 1 which permits only single detached, semi-detached, duplex, and street townhouse units. The subject lands are located near existing local commercial uses and the proposed medical office is considered compatible with these uses. Staff are satisfied that the subject lands can accommodate a medical office.

The existing building is consistent with the surrounding buildings in terms of massing, scale and overall built form. All parking will be provided on site with no request to reduce the number of required spaces. Since the applicant proposes a medical office within an existing building, the proposal is not limited to a maximum total gross floor area of 500 sq m.

Urban Design Policies

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

- b) In accordance with Policy F.1.19.6 of Volume 1, an Urban Design Report may be required for development or redevelopment, demonstrating how the proposal meets the policies of this Secondary Plan and the Ancaster Wilson Street Secondary Plan Urban Design Guidelines.
- e) New development or redevelopment shall complement the distinct character, design, style, building materials, and characteristics, which define each Character Area.
- g) Development or redevelopment shall not negatively affect active transportation within the Ancaster Wilson Street Secondary Plan.”

The applicant has provided a Planning Justification Report which encompasses a detailed Urban Design Policy review, dated May 2015 and an addendum provided

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February 10, 2016. Staff have reviewed the documents and confirm that the content successfully addresses staff comments and associated Urban Design Policies, as required by Policy B.2.8.12.1b) in Volume 2 of the UHOP. The proposed conversion of the existing building will ensure redevelopment of the lands continues to complement the character, design, style, building materials, and characteristics of the Transition Area. Pedestrian access is also proposed within the site to promote active transportation within the Secondary Plan.

Transportation Policies

“B.2.8.14.1 In addition to the policies of Section C.4.0 – Integrated Transportation Network of Volume 1, the following transportation policies shall apply to the Secondary Plan Area:

- 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.

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.”

Access from the subject lands to Wilson Street East is proposed to be consolidated from the existing two driveway access points to one central point. A prominent pedestrian walkway will be incorporated into the parking area, connecting the building to the public realm (see Concept Plan on Appendix “C” to Report PED16146).

Based on the foregoing, the proposal complies with the Ancaster Wilson Street Secondary Plan.

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 building on the subject lands is identified as Typology B. 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 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;
- Pedestrian and bicycle circulation is integrated into the street;
- Majority of front yard should be landscaped (Landscape);
- Screening should be provided for parking areas in the side yard (Landscape);
and,
- Trees should provide shade over parking area (Landscape).

The applicant proposes the conversion of the existing building for commercial use, showing flexibility in the function and layout of the dwelling to a commercial use and the use of the lands itself. A prominent pedestrian connection has been provided from the existing pedestrian infrastructure on Wilson Street East directly to the front entrance of the building with capacity to provide bicycle parking and connections on site. In order to provide sufficient parking for the proposal and to maintain the building on site, there is insufficient access to the rear or side yard for the parking area. Based on these site constraints, parking will be provided in the front yard. As a mitigation measure for front yard parking, screening of the parking area shall be provided in the form of planting strips and landscaping, which will also include trees. The landscaping will be further evaluated through the Site Plan process.

Based on the foregoing, the proposal complies with the policies of the Ancaster Wilson Street Secondary Plan Urban Design Guidelines.

Ancaster Zoning By-law No. 87-57

A change in Zoning from the Existing Residential “ER” Zone to the General Commercial “C3-674” Zone, Modified has been requested to facilitate the proposed conversion of a single detached dwelling to a medical office. The “ER” Zone permits one single detached dwelling whereas the “C3” Zone permits a range of local commercial uses such as a medical office. Staff are of the opinion that the proposed zoning provides a more accurate reflection of the Low Density Residential 3 Designation of the Ancaster

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Wilson Street Secondary Plan which promotes a limited range of local commercial uses in support of low density residential uses within the neighbourhood. To further ensure the permitted use is consistent with the Ancaster Wilson Street Secondary Plan, staff are recommending that use be limited to medical office or clinic. The proposed use will also ensure a smooth transition to the new Commercial Zoning under Comprehensive Hamilton Zoning By-law No. 05-200, which is currently in draft form. Additional minor modifications have been proposed in order to facilitate the ultimate built form of the development which include recognizing side yard setbacks to the existing building, reduced yard setbacks to accommodate all required parking on site, reduced width of planting and landscaping strips, and the inclusion of a walkway within a planting strip. An evaluation of the proposed modifications is included in the Analysis and Rationale for Recommendation section of Report PED16146.

RELEVANT CONSULTATION

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

Corridor Management, Public Works Department have no concerns with the application, including the proposed consolidated driveway access from Wilson Street East. Staff advise that all abandoned accesses must be removed and the boulevard and sidewalk restored. Visibility triangles having dimensions of 5 m by 5 m shall be provided, where the maximum height of any objects or mature vegetation shall not exceed 0.7 m. 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. These 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.

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 48 property owners within 120 m of the subject property on December 4, 2015.

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The Notice of Sign Posting was provided on December 12, 2015. To date, four public submissions have been received, raising concerns related to public notice, supporting studies associated with the application, Zoning deficiencies, increased traffic, and protection of mature trees. These issues and 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,
 - (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. The applicant proposes to convert the existing single detached dwelling to a medical office, with an associated parking area for 20 parking spaces in the front yard (see Appendix “C” to Report PED16146). Detailed plans outlining Landscaping and pedestrian connections will be provided and reviewed at the Site Plan Control stage to ensure compliance. The site design complies with the policies of the UHOP, the Ancaster Wilson Street Secondary Plan, and the Ancaster Wilson Street Urban Design Guidelines. The proposed medical office will provide a supporting use to the existing Ancaster Wilson Street community that contains a variety of small scale, local commercial and residential uses in the immediate area.

3. The following section evaluates the requested zone modifications:

Staff are recommending the proposed mixed-use development be placed in a site specific General Commercial “C3-674” Zone, Modified. The proposed zone change would maintain the overall intent of the Mixed Use nature of the Ancaster Wilson Street Secondary Plan and the “Low Density Residential 3” policies identified in the Secondary Plan. The application of the “C3” Zone is consistent with the zoning immediately across the street which permits professional offices and a medical office with a maximum of four practitioners. Staff also note that the City is currently in the process of creating new Commercial Zoning under the Hamilton Zoning By-law No. 05-200 for the entire City. The new Commercial zoning is currently in draft form and is being presented to the public through open houses and

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will be subject to a future Statutory Public Meeting. Additional review of this site will be evaluated through this process to ensure new zoning will not only encompass the proposed use, but will also recognize the proposed site specific modifications discussed further below.

Special zoning regulations are provided for the following:

Permitted Uses

1. The applicant proposes a medical office within the Low Density Residential 3 designation of the Ancaster Wilson Street Secondary Plan. Small scale commercial uses, including business and professional offices, medical office uses or clinics, day nurseries, artist studios, funeral homes and personal services are permitted within the Secondary Plan, whereas the General Commercial “C3” Zone permits a wide range of general commercial uses. Accordingly, staff recommend that the permitted uses be restricted to medical and professional offices to ensure conflicts do not arise with the future implementation of the Commercial Zones under Comprehensive Hamilton Zoning By-law No. 05-200, which are currently in draft form. Staff are satisfied that the proposed use is consistent with the small scale commercial uses identified through Policy B.2.8.7.3iii) of the Secondary Plan. Accordingly, the modification is reasonable and supported by staff.

Minimum Side Yard

The applicant proposes a minimum easterly side yard of 6.0 m and a westerly side yard of 2.1 m, whereas the By-law requires a minimum 7.5 m side yard setback to adjacent residential uses. Staff note that the proposed side yard reductions reflect existing situations and are measured from the existing building. Since the intent of the proposed development is to maintain the existing structure to preserve the character of the area, staff are of the opinion that the proposed minimum side yard setbacks are appropriate for the development. The required 7.5 m setback is typically intended to provide buffering between commercial and residential uses. Since the applicant proposes a small scale commercial, namely a medical office, staff are satisfied that the adjacent residential uses will not be negatively impacted in terms of privacy, noise, or odour. The residential use to the west is also setback approximately 4.5 m from another commercial use with mitigation measures such as enhanced landscaping. Staff are satisfied that appropriate buffering can also be provided with the proposed 2.1 m setback and 6.0 m setback. Accordingly, the modification is reasonable and supported by staff.

Parking Area in Location to Street

The applicant proposes a minimum setback of 1.4 m from the proposed parking area to the street line whereas the By-law requires a minimum setback of 2.0 m. The proposed parking lot will be of irregular shape in order to incorporate all required parking on site, being 20 spaces, for the proposed use. The reduced setback is also required provide pedestrian connection from the street and additional landscaping within the parking area and to provide adequate parking based on the number of practitioners intended for this development. Staff have encouraged the pedestrian connection and additional landscaping and are satisfied that the proposed setback will continue to provide adequate space for landscaping, as required by the By-law and Urban Design Policies within the Ancaster Wilson Street Secondary Plan. Accordingly, the modification is reasonable and supported by staff.

Parking Area Abutting a Residential Zone

The applicant proposes a minimum easterly setback of 1.1 m and a minimum westerly setback of 1.2 m from the parking area to the abutting residential zone to the east, whereas the By-law requires a minimum setback of 2.0 m. The proposed setbacks are similar to the easterly side yard setback from the building to the adjacent residential zone, and is required in order to meet parking requirements of the Ancaster Zoning By-law No. 87-57, based on accommodating 20 parking spaces for the number of practitioners proposed on site. Since there are no proposed amendments to the number of required parking spaces, the setbacks are necessary to facilitate the development. Staff note a sufficient number of parking spaces is integral to the successful function of a medical office, the reduced yard setbacks are reasonable given the setbacks will provide adequate space for landscaping treatments that will be further reviewed at the Site Plan stage. Accordingly, the modification is reasonable and supported by staff.

Planting Strips

The applicant proposes a minimum 1.1 m wide planting strip abutting any parking area containing more than four spaces and a residential zone or street, whereas the By-law requires a minimum 3.0 m wide planting strip for any parking area containing four or more spaces abutting a residential zone or street. Staff note that the minimum setback is required for the easterly portion of the proposed parking area which is required to accommodate sufficient parking based on the number of practitioners for the medical office. Otherwise, there is opportunity to provide wider planting strips, up to 4.0 m wide, in other areas of the site. Planting strips will be reviewed at the Site Plan stage to ensure adequate landscaping for

buffering is provided between the street and adjacent residential uses. 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 walkway whereas the By-law requires planting strips to contain only ornamental shrubs and / or trees. The proposed walkway will be located west of the driveway access and implements the Ancaster Wilson Street Secondary Plan Urban Design Guidelines which encourages strong pedestrian connections and access to existing pedestrian infrastructure. 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:

There are public watermains, storm and sanitary sewers fronting the subject lands on Wilson Street East. 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 the Urban Hamilton Official Plan (UHOP) is 30.48 m. The applicant / owner should therefore be advised that a road allowance widening may be required to ensure a future road allowance width of 15.24 m from the original centre line of the street as part of a future Site Plan Control Application. The road widening has been identified on the associated concept plan and will be conveyed to the City through the Site Plan process (see Appendix “C” to Report PED16146).

5. The circulation of the application to consider a Zoning By-law Amendment application has resulted in the submission of correspondence from three property owners (see Appendix “D” to Report PED16146). The issues identified are as follows:

Public Notice

Two of the letters identified concerns that the required Sign Posting for the application was provided only after the Notice of Complete Application was circulated to all property owners within 120 m of the subject lands and not when the application was deemed complete. Sign posting occurs after the application has been deemed complete so that the required information, such as the file number, is included on the sign, as per Departmental Policy and the *Planning Act*. A maximum 15 days is provided for the applicant to install the sign on the subject lands from the date the application is deemed complete, with a further ten

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days to provide proof of installation to City staff, for a total of 25 days from the application is deemed complete to have the sign erected and proof provided. Staff note that the Sign Posting requirements were provided to the applicant on December 2, 2015 and proof that the sign was erected on the lands was provided by the applicant on December 15, 2015, for a total of 13 days from the date that the application was deemed completed to the installation of the sign. Staff received notification on December 28, 2015 that the sign was no longer on the subject lands and were advised that the current tenant residing in the single detached dwelling had removed the sign over the holidays. The sign was replaced on January 5, 2016. Accordingly, adequate notice has been provided, as outlined in the Chronology Section of this Report.

Up to date Planning Justification Report

The same property owner requested all reports and studies submitted by the applicant in support of the proposed Zoning By-law Amendment for their review. This property owner identified that the submitted Planning Justification Report (PJR) was dated May, 2014. Based on this timeline, at the time of the application being deemed complete, the PJR was approximately 18 months old. Staff note that another date within the PJR identifies it was composed in May, 2015. Staff also note that the PJR discusses the Ancaster Wilson Street Secondary Plan which was in draft form in 2014 and would not have been evaluated in development applications at that time. Based on the date of submission, the date identified on the front of the PJR showing May 2015, and correspondence with the applicant, staff can confirm that the 2014 reference was a typographical error made by the applicant's agent. A subsequent addendum to the PJR was provided, dated February 10, 2016, ensuring the applicable policy review and Planning analysis provided by the applicant was up to date and relevant to the subject application.

Compliance with the Ancaster Wilson Street Secondary Plan

The property owner identified that Policy B.2.7.8.3b)v) of Volume 2 of the UHOP should apply to the subject lands. The above noted policy does not exist, but the letter rather refers to Policy B.2.8.7.3b)v) which identifies permitted uses and size restrictions on commercial uses. Staff reviewed this policy and note that since the dwelling is not considered new, the above noted policy does not apply, as outlined in Policy B.2.8.7.3b)v)6). Staff are satisfied that the applicable policies of the Ancaster Wilson Street Secondary Plan have been reviewed and that the proposal complies with the Ancaster Wilson Street Secondary Plan.

Zoning Deficiencies

The same property owner requested review of the addendum to the Planning Justification Report, dated February 10, 2016, in support of the application. This property owner identified that there are zoning deficiencies regarding side yard setbacks and planting strip requirements for parking areas abutting residential zones. In order for the appropriate setbacks to be provided, there would be a loss of approximately six parking spaces. Staff note that reduction in parking spaces for medical offices is typically not supported by the City without a thorough review of supplemental material, including a Parking Justification Study. Instead, the applicant provided justification for the reduction in yard and planting strip requirements, as outlined in the Planning Justification Report, dated May 2015 and the Addendum, dated February 10, 2016. Further analysis of these reductions is discussed under Item 2 of the Analysis and Rationale for Recommendation Section of Report PED16146. Accordingly, staff are satisfied that applicable zoning deficiencies have been identified, evaluated, and addressed as part of the Zoning By-law Amendment Application.

Increased Traffic

An adjacent property owner identified concerns with the proposed medical office regarding increased traffic on an already busy section of Wilson Street. Staff note that Corridor Management staff's review of the application did not require a Traffic Impact Study and further concerns with traffic impacts were not identified. Staff also note that the two existing driveway accesses will be consolidated into one access point, which will limit interruptions in traffic flow.

Impact of Mature Trees on Site

The adjacent property owner has raised concerns that the proposed parking area will damage the root systems of existing mature trees. As part of the review of this application, staff have identified the mature trees on site and the potential conflicts with the proposed development. To mitigate this concern, a Tree Management Plan and Landscape Plan have been requested to be reviewed at the Site Plan stage. These plans will identify existing trees, those in conflict with the development, and appropriate mitigation measures. Since the lands are located within the Ancaster community, the Ancaster Private Tree By-law No. 06-151 also applies. Any proposed removal of trees will require a permit from the City's Forestry Department.

ALTERNATIVES FOR CONSIDERATION

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

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

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