



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 6, 2016
SUBJECT/REPORT NO:	Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 21 Panabaker Drive (Ancaster) (PED16227) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Alana Fulford (905) 546-2424 Ext. 4771 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 **Amended Zoning By-law Amendment Application ZAC-16-027, by Galli-Morwick Inc., Owner**, for a change in zoning from the Neighbourhood Commercial "C1-491" Zone, Modified, to the Neighbourhood Commercial "C1-680" Zone, Modified, to permit an expanded range of commercial uses for the lands located at 21 Panabaker Drive (Ancaster), as shown on the attached map marked as Appendix "A" to Report PED16227, subject to the following conditions:

- (i) That the draft By-law, attached as Appendix "B" to Report PED16227, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law, attached as Appendix "B" to Report PED16227, be added to Map 1 of Schedule "A" of Zoning By-law No. 87-57; and,
- (iii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of the application is to further modify the existing Neighbourhood Commercial “C1-491” Zone, Modified, to permit an expanded range of commercial uses and to remove certain development regulations contained within the site specific zoning for the existing convenience commercial plaza, known as “Marshall Estates Plaza” located at 21 Panabaker Drive, at the north-west corner of Garner Road West and Panabaker Drive (see Appendix “A” to Report PED16227). The plaza consists of five commercial units which front onto Panabaker Drive and range in size from 170 sq m to 205.75 sq m in area. The plaza is served by 45 parking spaces, two of which are barrier free, and has one driveway near the northeast corner of the property accessing onto Panabaker Drive. The proposed Zoning By-law Amendment is intended to facilitate the attraction of a wider range of potential tenants to the commercial plaza as the Owner has indicated that based on the current range of permitted uses, there is difficulty in attracting tenants.

The proposal with the modifications as detailed in this Report, has merit and can be supported as it is consistent with the Provincial Policy Statement, 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 22

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

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

HISTORICAL BACKGROUND

Proposal:

The existing convenience commercial plaza was the subject of Site Plan Application DA-05-091, which received final Site Plan approval on December 21, 2005. Construction of the plaza was completed in early 2007. The Modified Neighbourhood Commercial “C1-491” Zone was created in conjunction with the proposal for the Marshall Estates Subdivision (25T-96002(R)) which received Draft Plan Approval in 2003. This site specific zoning was developed in accordance with the planning policy framework in place at the time, namely the Shaver Neighbourhood Secondary Plan,

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

with the intent to ensure the primary function of the plaza was as a “Convenience Commercial Centre” to serve the surrounding neighbourhood.

The site specific “C1-491” zone permitted Fast Food Restaurants (not to exceed two such restaurants), and further limited the maximum gross floor area for a Fast Food Restaurant to 233 sq m. The purpose of the provisions to limit the number and size of fast food restaurants was to more closely reflect the intent of the Neighbourhood Commercial “C1” Zone, which only permits restaurants and fast food restaurants that are existing.

In 2008, a Zoning By-law Amendment application (ZAC-08-024) was submitted to request additional uses be permitted to allow for increased flexibility in attracting and maintaining long-term commercial tenants. The Zoning By-law Amendment application was approved through Report PED08224. The following modifications were made to the site specific zoning at that time:

Additional Uses:

- Banks and Financial Institutions;
- Business and Professional Offices;
- Day Nurseries;
- Establishments providing Educational or Instructional Services;
- Accessory Bakery (to a Fast Food Restaurant);
- Medical Clinics;
- Medical and Dental Laboratories;
- Personal Service Shops;
- Printing Establishments;
- Retail Stores, except that adult-oriented video rental outlets and similar retail outlets shall not be permitted;
- Service Shops; and,
- Sub-Post Offices.

These additional uses were supported for the following reasons:

- The uses would generally provide convenience level goods and services that would serve the day-to-day and / or weekly needs of the surrounding Shaver Neighbourhood;
- Many of the proposed uses were considered to be complementary to uses that were permitted in the Town of Ancaster Zoning By-law for the Neighbourhood Commercial “C1” Zone;
- The uses would satisfy the parking requirements for the plaza; and,

**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 21 Panabaker Drive (Ancaster) (PED16227) (Ward
12) - Page 4 of 22**

- “Walk-in” Medical Clinics and Personal Services were specifically identified as permitted uses in the Shaver Neighbourhood Secondary Plan of the Ancaster Official Plan.

Development Regulations

In addition to the above noted modifications, additional development regulations were introduced to:

- Limit the size of medical clinics and medical and dental laboratories. To ensure a mix of uses and services were provided in the plaza, the medical clinic was limited to 40% of the total gross floor area of the existing building, and medical and dental laboratories were limited to 35% of the total gross floor area of the existing building; and,
- Prohibit the outdoor storage and display of goods, products or materials.

Proposed Zoning By-law Amendment

The applicant is proposing to further expand the uses permitted in the Neighbourhood Commercial “C1-491” Zone, Modified, in order to facilitate the attraction of a wider range of potential tenants to the existing commercial plaza, while maintaining the local commercial intent of the Urban Hamilton Official Plan and the Shaver Secondary Plan. In addition to the uses currently permitted in the site specific “C1-491” Zone (which comprises the uses permitted in the parent Neighbourhood Commercial “C-1” Zone plus the additional uses permitted in the site specific Neighbourhood Commercial “C1-491” Zone, Modified), the following uses are being proposed:

- Caterers;
- Cleaning and Pressing Shops;
- Clubs, Private and Commercial;
- Craft and Custom Workshops;
- Gymnasiums or Health Clubs excluding Body Rub Parlours;
- Places of Entertainment or Recreation;
- Restaurants (not including fast food); and,
- Veterinary Services.

In addition, the applicant is proposing to further modify the site specific zoning as follows:

- “Fast Food Restaurants, not to exceed 2 such restaurants, including an accessory bakery”: modify the use permitted by removing the reference to

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

accessory bakery and removing the present limit of 2 such restaurants to allow simply “Fast Food Restaurants”; and,

- Delete the following development regulations:
 - A Medical or Dental Clinic shall not exceed more than 40% of the total gross floor area;
 - Medical and Dental Laboratories shall not exceed more than 35% of the total gross floor area; and,
 - The maximum Gross Floor Area for a Fast Food Restaurant shall be 233 sq m.

Since the 2008 Zoning By-law Amendment application, the Ancaster Official Plan has been replaced by the Urban Hamilton Official Plan. The Local Commercial policies of the UHOP and the Local Commercial policies of the Shaver Neighbourhood Secondary Plan provide the policy direction when evaluating the merits of this proposed Zoning By-law Amendment application.

As discussed in more detail in sections of the Report that follow, staff are proposing the following amendments to the Zoning By-law Amendment application as submitted:

- Clubs, Private and Commercial, and Places of Entertainment or Recreation are uses not supported by staff and will not be proposed in the amended site specific zoning;
- Prohibit drive-in restaurants;
- Modify the development regulations as follows:
 - Maintain the existing development regulations for a Medical Clinic and Medical and Dental Laboratories;
 - Modify the existing development regulation for a Fast Food Restaurant; and,
 - Introduce development regulations for the following uses:
 - Gymnasiums or Health Clubs excluding body rub parlours; and,
 - Restaurant.

Chronology:

April 14, 2016: Submission of Zoning By-law Amendment Application ZAC-16-027 by T. Johns Consulting Group, on behalf of Galli-Morwick Inc.

May 3, 2016: Zoning By-law Amendment Application ZAC-16-027 deemed complete.

**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 21 Panabaker Drive (Ancaster) (PED16227) (Ward
12) - Page 6 of 22**

May 17, 2016: Circulation of Notice of Complete Applications and Preliminary Circulation for Application ZAC-16-027 to 42 property owners within 120 metres of the subject lands.

May 24, 2016 Public Notice sign erected on the subject property.

November 9, 2016 Public notice sign updated with Public Meeting Information.

November 18, 2016 Circulation of the Notice of Public Meeting to 42 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 21 Panabaker Drive, Ancaster

Owner/Applicant: Galli-Morwick Inc. (c/o Carl Galli)

Agent: T. Johns Consulting Group

Property Description: Lot Frontage: 43.9 m (including visibility triangle - Garner Road West)

Lot Depth: +/- 82 m

Lot Area: 0.428 ha

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Convenience Commercial Plaza	Neighbourhood Commercial "C1-491" Zone, Modified

Surrounding Land Uses:

North	Residential - townhouses	Multiple Residential "RM4-492" Zone, Modified
South	Cemetery (Resurrection Catholic Cemetery)	Open Space "P4" Zone

East	Bishop Tonnes Catholic Secondary School	Institutional “I-495” Zone, Modified
West	Construction Company (Ancaster Paving), Pumping Station	Rural Industrial “M5-262” Zone, Modified

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, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Staff note the 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.”

It is noted the above referenced policy does not apply as no development or site alteration is proposed as a result of this Zoning By-law Amendment application.

As the application for a change in zoning complies with the Official Plan and the relevant policies pertaining to Cultural Heritage 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 “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations.

The subject lands are further designated “Local Commercial” on Map B.2.2-1 Land Use Plan, in the Shaver Neighbourhood Secondary Plan. The Local Commercial policies of the Shaver Neighbourhood Secondary Plan refer back to Policy E.8 – Local Commercial, of Volume 1 of the UHOP for direction on permitted uses.

The following policies, amongst others, apply to the proposal:

“E.3.8 Local Commercial

Function

E.3.8.1 Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.

E.3.8.2 The following uses shall be permitted:

- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, medical office, business office, professional office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service;
- b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses; and,
- c) residential uses, in accordance with Policy E.3.8.10

Scale

E.3.8.5 The City shall encourage numbers and sizes of local commercial uses to adequately serve local residents.

E.3.8.6 Local commercial uses may be permitted on a range of site areas not exceeding 4 hectares and at a range of scales not exceeding a total gross floor area of 10,000 square metres per site. All adjacent parcels and

parcels at the intersection of roadways developed for local commercial uses shall be considered as one local commercial site.

E.3.8.8 Local commercial uses shall comply with the following provisions:

- a) The gross floor area for any individual office shall not exceed 500 square metres; and,
- b) The total maximum gross floor area and height for a development located on a particular site shall be determined through secondary plans or corridor studies where applicable, and Zoning By-laws.”

The applicant is proposing to further modify the Neighbourhood Commercial “C1-491” Zone to facilitate the attraction of a wider range of potential tenants to the existing commercial plaza. The uses proposed are uses that are either expressly permitted within the Local Commercial designation or are uses (caterers, gymnasiums or health clubs), that meet the general intent and are complementary to the Local Commercial policies of the UHOP. For a number of the uses proposed, staff are recommending a limit to the scale of the use to reflect the UHOP policy intent, ensure that a mix of uses is maintained in the plaza to serve the surrounding neighbourhood, and to reduce the potential conflicts from a parking perspective as a number of the uses generate varying and / or greater parking demands. Staff, however, are not supportive of the Clubs, Private and Commercial use nor the Places of Entertainment or Recreation use, as they do not meet the intent of the Local Commercial policies of the UHOP.

The uses supported by staff will provide additional local commercial retail and service shopping amenities for the surrounding community. It is noted that residential development is planned for much of the north side of Garner Road West in the Shaver Neighbourhood Secondary Plan. The areas under development or planned for residential development will supplement the existing customer base for the plaza. This site represents the only lands designated Commercial in the Shaver Neighbourhood Secondary Plan. The following table discusses the proposed uses in more detail:

Proposed Use	Comments
Caterers	The proposed use complies with the Local Commercial policies of the Urban Hamilton Official Plan which permits Restaurants, and is in keeping with the Neighbourhood Commercial “C1” intent of the Town of Ancaster Zoning By-law. Fast Food Restaurants (limit of two) are a permitted use in the present site specific zoning. The preparation of food and beverages for consumption off-site is similar in use and function to restaurants / fast food restaurants and is a use that would benefit the surrounding residential community.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Application to Amend the Town of Ancaster Zoning By-law No. 87-57
for Lands Located at 21 Panabaker Drive (Ancaster) (PED16227) (Ward
12) - Page 10 of 22**

Cleaning and Pressing Shops	<p>The proposed use complies with the Local Commercial policies of the Urban Hamilton Official Plan, which permits Personal Service uses.</p> <p>As well, the existing site specific zoning permits Personal Service Shops. As the definition for Personal Service Shops includes dry cleaning establishments, laundry and a laundromat, introducing Cleaning and Pressing Shops as an additional permitted use is considered redundant and therefore does not need to form part of this amendment.</p>
Clubs, Private and Commercial	<p>The proposed use is not supported as the use does not meet the intent of the Local Commercial policies of the Urban Hamilton Official Plan with respect to scale and intensity of use. Such a use is more appropriately located in a higher order commercial zone intended for larger scale uses.</p>
Craft and Custom Workshops	<p>The proposed use complies with the intent of the Local Commercial policies of the Urban Hamilton Official Plan which permits a craftsperson shop.</p>
Fast Food Restaurant	<p>A Fast Food Restaurant is a use that is permitted in the existing site specific zoning. However, the present restrictions - "Fast Food Restaurants, not to exceed two such restaurants, including an accessory bakery" is to be replaced by "Fast Food Restaurant, excluding Drive-In Restaurants".</p> <p>The "limit of 2 such restaurants" is to be deleted as the scale of the use will be addressed through a limit on total gross floor area, discussed in more detail in the following section on development regulations. The original site specific modification to the zoning on the subject property introduced a limit to the number and size of fast food restaurants to be consistent with the Neighbourhood Commercial "C1" Zone which only permits existing fast food restaurants. The policy framework has changed since the original site specific zoning was established on the subject property, with the Local Commercial policies of the Urban Hamilton Official Plan permitting restaurant uses without restrictions. However, to be consistent with the approach taken for other uses that have the potential to generate larger volumes of traffic, a limit on total gross floor area for this use will be established. It is proposed as a percentage of total gross floor area of the plaza development (gross floor area of 979.86 sq m, separated into five commercial units), instead of the current maximum gross floor area of 233 sq m per fast food restaurant, which presently exists in the site specific zoning. Thus, the "limit to 2 fast food restaurants" can be</p>

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

deleted.

The applicant is also requesting that “accessory bakery” be deleted from the use. Staff are supportive of this modification, as it will simplify the definition and be more consistent with the policy framework of the UHOP.

Finally, staff are proposing that drive-in restaurants be prohibited. A drive-in restaurant at the subject location, given the existing site characteristics and functionality, would not be in keeping with the intent of the Local Commercial policies of the UHOP. The functionality of existing site circulation and existing site access via the adjacent local road (Panabaker Drive) do not make it a suitable location for a drive-in restaurant. For these reasons, staff are proposing to prohibit drive-in restaurants in the amendment to the site specific zoning.

Gymnasiums or Health
Clubs excluding Body Rub
Parlours

Certain forms of health clubs may be contemplated in the Local Commercial context if the scale of such a use is limited in scope. While larger scale health clubs are more appropriate for a larger scale commercial setting where commercial recreation uses are permitted, there are health clubs and / or studios (e.g. yoga studio) which cater to a more specific form of exercise program or physical discipline and are intended to be smaller in scale. The Urban Hamilton Official Plan permits service uses including personal service and studios. Such smaller scale forms of fitness or health related uses can be considered in the Local Commercial policy context, when contemplated at a smaller scale.

Staff note that yoga studios are considered “Establishments providing Education or Instructional Services” in the Ancaster Zoning By-law, which is a permitted use in the existing site specific zoning.

To address scale, a development regulation is proposed to limit the gross floor area of Gymnasiums or Health Clubs to no greater than 40% of the total gross floor area of the plaza. This development regulation is discussed in more detail in the Analysis and Rationale for Recommendation section of the Report.

Places of Entertainment or
Recreation

The applicant is proposing smaller scale entertainment or recreation uses such as a children’s play gym, that would be limited to a size of 400 sq m. In reviewing the proposed use against the policies of the UHOP, staff are not supportive of the Places of Entertainment or Recreation use in a local commercial setting. The use is not in keeping with the retail and service intent of the Local Commercial policies of the UHOP and would not

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

meet the definition of a personal service use or studio use as permitted in the Local Commercial designation. However, staff are of the opinion that certain forms of children's focused recreation related uses such as children's classes that combine movement and music, could be considered a studio use which meets the intent of the UHOP and are considered complementary to the uses currently permitted in the site specific zoning.

Staff note that uses such as children's classes that combine movement and music are considered "Establishments providing Education or Instructional Services" in the Ancaster Zoning By-law, which is a permitted use in the existing site specific zoning.

Restaurant

The proposed use is permitted in the Local Commercial designation of the Urban Hamilton Official Plan. It is noted that Fast Food Restaurants (limit of two) are presently permitted in the site specific zoning on the property.

To address scale, staff recommend that a development regulation be introduced to limit the gross floor area of the use to no greater than 25% of the total gross floor area of the commercial plaza. This development regulation is discussed in more detail in the Analysis and Rationale for Recommendation section of the Report.

**Veterinary Service
(Animal Hospital)**

The proposed use is permitted in the Local Commercial designation of the Urban Hamilton Official Plan.

The Town of Ancaster Zoning By-law defines this use as Animal Hospital. Further discussion of this definition can be found in the Analysis and Rationale for Recommendation section of this Report.

Additional analysis of the uses proposed and the modifications to the provisions of the site specific zoning can be found in the Analysis and Rationale for Recommendation Section under Item #2.

Further policy direction is provided in the Shaver Neighbourhood Secondary Plan.

"B.2.2 Shaver Neighbourhood Secondary Plan

B.2.2.2 Local Commercial Designation

- B.2.2.2.1 In addition to Section E.3.8 – Local Commercial of Volume 1, the following policies shall apply to the lands designated Local Commercial on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:
- a) The Local Commercial uses shall be contained within a single free-standing building;
 - b) The site shall be a maximum of 0.46 hectares;
 - c) The gross leasable area shall be a maximum of 1,000 square metres; and,
 - d) Adequate landscaping, buffering, on-site parking, loading area and screened refuse disposal shall be provided to minimize impacts on adjacent uses.”

Staff note that the above policy has been modified through a recent housekeeping amendment. Policy B.2.2.2.1 was modified by replacing “Notwithstanding Section E.3.8” with “In addition to Section E.3.8” so that the Local Commercial policies of the UHOP apply in addition to the secondary plan policies. This amendment was approved by Council on September 14, 2016 and the amending by-law was passed by Council on September 28, 2016 and is now final and binding.

The existing commercial plaza complies with Policy B.2.2.2.1 of the Local Commercial designation in the Shaver Neighbourhood Plan.

Based on the foregoing, staff is of the opinion that the uses as supported by staff, with the exception of Clubs, Private and Commercial, and Places of Entertainment or Recreation, comply in principle with the policies of the Urban Hamilton Official Plan noted above.

RELEVANT CONSULTATION

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

- Recreation Division, Community and Emergency Services Department;
- Corridor Management, Public Works Department;
- Forestry and Horticultural Section, Public Works Department;
- Development Engineering, Planning and Economic Development Department;
- and,
- Grand River Conservation Authority.

The following department submitted comments:

**Transportation Management, Corporate Assets and Strategic Planning Division,
Public Works Department** have recommended that the needs of pedestrians with disabilities be considered with respect to *Accessibility for Ontarians with Disabilities Act* (AODA) regulations and barrier free design.

As a requirement of application submission, the applicant prepared a Transportation Demand Management (TDM) Options Report as part of the Parking Justification Study. Transportation Management provided the following comments:

Cycling: “If bicycle parking is not currently provided for patrons and employees, a rack should be provided. The rack(s) chosen should not be wheel-bending, and should be provided in a well-lit, visible location. The availability of long-term bike parking and other end-of-trip facilities would further benefit this existing development.”. The applicant has since committed to installing bicycle parking at the south end of the plaza, adjacent to the existing barrier free parking spaces.

Wayfinding and Travel Planning: as stated in the Transportation Demand Management portion of the Parking Justification Study, the owner should consider requiring tenants to display and provide transit information for nearby transit routes, and this information should also be readily available in public areas of the development.

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 42 property owners within 120 m of the subject property on May 17, 2016 for the proposed Zoning By-law Amendment application.

A Public Notice Sign was posted on the property on May 24, 2016, and updated on November 9, 2016, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on November 18, 2016.

To date, no public comments have been received. Staff received one request for information as it pertained to details of the application.

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) which

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

encourages the development of complete communities within built-up areas;

- (ii) It implements the intent and purpose of the Urban Hamilton Official Plan and the Shaver Neighbourhood Secondary Plan;
 - (iii) It provides for convenience local commercial shopping amenities for the surrounding residential areas; and,
 - (iv) The proposed modifications to the site specific zoning are considered to be compatible with the existing development in the surrounding area.
2. The purpose and effect of this application is to further modify the Neighbourhood Commercial “C1-491” Zone, Modified, in the Town of Ancaster Zoning By-law 87-57, to permit an expanded range of commercial uses and to remove certain development regulations contained within the site specific zoning for the existing convenience commercial plaza. Please refer to the table contained in Appendix “C” which illustrates the existing uses permitted in the Neighbourhood Commercial “C1-491” Zone, Modified, compared to what is proposed through the rezoning application.

As discussed previously, the uses supported by staff are consistent with the policy intent of the Local Commercial designation and will provide additional local commercial shopping amenities for the surrounding residential community. As outlined in the table above, the uses permitted in the site specific “C1-491” Zone are being carried forward to the new “C1-680” Zone. As described in more detail below, certain uses are to be limited in scale to reflect the policy intent, maintain a mix of uses in the plaza to serve the surrounding neighbourhood, and to reduce potential on-street parking conflicts (as a number of the uses have greater parking demands than others). For these reasons, the proposed Zoning By-law Amendment for the additional commercial uses has merit and can be supported.

DEFINITIONS

This amendment to the site specific zoning will address definitions in the following ways:

Definition of Animal Hospital

The Town of Ancaster Zoning By-law defines Animal Hospital as follows:

“Animal Hospital means the premises of a veterinary surgeon where animals or birds are treated, and / or kept for observation.”

Although the applicant has proposed using the definition of Veterinary Service from Zoning By-law No. 05-200, it is appropriate to apply the definition from the Ancaster Zoning By-law in force on the subject property. As such, Animal Hospital is the definition recommended through the site specific zoning modified through this application and therefore, no new definition is required.

The two definitions are consistent in their intent and scope, save and except for pet grooming which is expressly permitted in the Veterinary Service definition in Zoning By-law No. 05-200. However, in the Town of Ancaster Zoning By-law, pet grooming is considered a “Retail Store” which is a permitted use in the existing site specific zoning.

Definition of Gymnasiums or Health Clubs excluding Body Rub Parlours

Gymnasiums or Health Clubs, while not a defined term in the Town of Ancaster Zoning By-law, is a use permitted in certain zones within the Zoning By-law. Presently, Gymnasiums or Health Clubs are a use permitted in the Urban Commercial “C4” Zone, Rural Commercial “C5” Zone, and Village Area “VA” Zone. While the use is to be permitted in the amending Zoning By-law, staff do not recommend that a definition be introduced to the site specific zoning to be consistent with how the use is treated within the area subject to Zoning By-law No. 87-57, and as the smaller scale intent of the use as it applies to this site can be achieved through the recommended development regulation which will limit this use to no greater than 40% of the total gross floor area of the commercial plaza (as discussed in the next section). The gross floor area limit will dissuade larger scale uses from locating at the plaza as the available floor area will not meet their space requirements.

Definition of Sub-Post Office

A Sub-Post Office is a defined term in the current site specific “C1-491” Zone, Modified, for the subject property. No changes are proposed to the definition through this rezoning application and thus the definition will be carried forward to the new site specific zoning since it is proposed to replace the existing “C1-491” Zone, Modified with the proposed “C1-680” Zone, Modified.

DEVELOPMENT REGULATIONS

The Zoning By-law Amendment proposes that the following development regulations be included:

Medical or Dental Clinic

The applicant is proposing to delete the development regulation which limits a medical or dental clinic to no greater than 40% of the total gross floor area of the commercial plaza. This development regulation which presently exists in the site specific zoning on the subject property, was established to ensure that a mix of uses and services were provided in the commercial plaza. Given the range of size of clinic that can be contemplated for such uses, maintaining the cap on scale of the use will ensure that a mix of uses and services continue to be promoted, given the lack of local commercial in the surrounding area. Furthermore, as a medical or dental clinic is considered a parking generator and there are a limited number of spaces available within the existing plaza (45 parking spaces of which two are barrier free), the scale of the parking need generated can be better managed than if no limit existed. It is therefore recommended that the development regulation be maintained in the site specific zoning.

Staff note that if this development regulation was removed, Policy E.3.8.8 a) of the Urban Hamilton Official Plan would apply, which limits the gross floor area for any individual office to 500 sq. m. As the plaza is 979.86 sq. m. in size, this would represent approximately 51% of the gross floor area.

As a final matter, the permitted use in the site specific zoning by-law is “Medical Clinic”, not “Medical or Dental Clinic”, as stated in the development regulation. For consistency, the terminology used in the development regulation will be revised to “Medical Clinic”. It is noted that the definition of Medical Clinic includes dentists in the Town of Ancaster Zoning By-law.

Medical and Dental Laboratories

The applicant is proposing to delete the development regulation which limits Medical and Dental Laboratories to no greater than 35% of the total gross floor area of the commercial plaza. For the reasons noted for Medical Clinics, it is also recommended that this development regulation which presently exists in the site specific zoning on the subject property, continue to be maintained in the new site specific zoning proposed through this rezoning.

Gymnasiums or Health Clubs (excluding Body Rub Parlours)

Staff are recommending that a development regulation be introduced to limit this use to no greater than 40% of the total gross floor area of the commercial plaza. This development regulation will ensure the scale of the use is consistent with what is intended in this local commercial context, and that a mix of uses and services can be provided in the commercial plaza. From a parking perspective,

this use can be a heavier parking generator, and by placing a limit on size, it assists in ensuring that adequate parking is available at the plaza. Implementing a total gross floor area cap of 40% is consistent with the recommendations of the Parking Justification Study. As described in more detail under Item #3 to this Report, the parking study identified gross floor area potential that could be dedicated to each of the uses proposed, based on the parking requirements of the Zoning By-law. The study recommended a gross floor area limit of 42% of the overall gross floor area of the plaza for this use, which is consistent with staff's recommendation. A cap of 40% represents approximately 390 sq m of floor area.

Fast Food Restaurant

The present site specific zoning limits the number of Fast Food Restaurants to two, and limits the size of any one Fast Food Restaurant to 233 sq m. As discussed previously, the limit on the number of restaurants is proposed to be deleted.

The applicant is proposing to delete the development regulation which places a limit on the size of a Fast Food restaurant to a maximum gross floor area of 233 sq m. To be consistent with the approach taken for other uses and to ensure that a mix of uses is maintained within the plaza and adequate parking is maintained on site, staff recommend that the development regulation be modified to limit this use to no greater than 40% of the total gross floor area of the commercial plaza. A 40% cap offers more flexibility than the 233 sq m. which presently limits the use to approximately 23% of the total gross floor area of the plaza.

For Restaurants, a cap of 25% of the total gross floor area of the plaza is being proposed, as described below. While staff acknowledge the difference in definition between Fast Food Restaurant and Restaurant in the Town of Ancaster Zoning By-law is minimal, the higher limit on total gross floor area recommended for Fast Food Restaurants recognizes the local commercial nature of the use and the characteristics of the parking demands. The parking generated for Fast Food Restaurants is more short term in nature with higher turnover. In addition, with the proximity of the nearby secondary school, it is reasonable to assume that pedestrian traffic will be generated for fast food restaurants that locate in this commercial plaza. Thus, it is expected that parking demands generated for Fast Food Restaurants will not be as high.

Restaurant

The same basis for limiting the scale of other uses is recommended for restaurants. Staff propose a limit of no greater than 25% of the total gross floor

area of the commercial plaza. Introducing a cap of 25% is consistent with the size limitation that was proposed in the Parking Justification Study for this use (recommended at 21%). A cap of 25% represents approximately 244 sq. m. of floor area.

Parking

A site specific parking rate is being introduced through this amendment to the site specific zoning, which is discussed in more detail under Item #3.

Outdoor Storage

The existing site specific zoning prohibits the outdoor storage and display of goods, products or materials. This development regulation will be carried forward to the new site specific zoning.

CONCLUSION:

As outlined above, staff are satisfied that the proposed modifications to the Town of Ancaster Zoning By-law No. 87-57, as supported by staff, are reasonable and appropriate. Staff are not supportive of Clubs, Private and Commercial, which is a use that is of a scale and intensity that is beyond what is intended in a local commercial context, nor Places of Entertainment or Recreation which does not meet the intent of the Local Commercial designation. Finally, there are certain development regulations that are deemed appropriate for the scale, intent and function of this local commercial plaza and, as such, staff recommend keeping these development regulations in place, as well as introducing new development regulations for a number of the new uses proposed.

3. In accordance with the Town of Ancaster Zoning By-law No. 87-57, the parking requirement for this commercial plaza was originally based on a rate of one space per each 25 sq. m. of floor area or four spaces, whichever is greater. This parking ratio was specific for a retail store, a personal service shop and business or government offices uses only. The current parking requirement is determined based on specific uses within each unit of the building and the corresponding parking requirement for that use.

The applicant is seeking a site specific parking rate, based on the existing parking spaces provided on site (45 parking spaces of which two are barrier free). The applicant is seeking a parking ratio of one space per 22 sq m of gross floor area for all permitted uses, which recognizes the existing situation.

A Parking Justification Study was submitted with the Zoning By-law Amendment application. Staff commented that the initial justification report was insufficient in its detail. The study was conducted on the plaza in its current state, with only two of the five units occupied. The applicant was advised that a revised Parking Justification Report was required to provide further analysis of a fully tenanted plaza scenario and the parking demands generated from the uses proposed, and further justification that the uses proposed could be accommodated in the existing plaza, ensuring that the parking standard proposed was reasonable and appropriate.

A series of observations and recommendations were made through the original Parking Justification Study and a Supplementary Parking Analysis. The parking study identified gross floor area potential that could be dedicated to each of the uses proposed, based on the parking requirements of the Zoning By-law. The analysis concluded that all of the uses proposed could be supported, up to a certain gross floor area. Although the applicant is recommending deleting the present development regulations that limit the size of certain uses and is not recommending any size limits for new uses proposed, staff instead recommend that the existing development regulations be maintained and new regulations introduced, as previously discussed under Item #2. This approach is generally consistent with the gross floor area potential that was established through the Parking Justification Study.

A Supplementary Parking Analysis was submitted on September 20, 2016. In support of this additional analysis, a plaza with similar characteristics, located on the northwest corner of Rymal Road West and Upper Paradise Road was reviewed and assessed. This plaza has a gross floor area of 1,282 sq m, with eight separate commercial units and 40 parking spaces, whereas the subject site has a gross floor area of 979.86 sq m, with five separate commercial units and 45 parking spaces.

For both plazas, the parking data collected indicates an oversupply of parking, in both a fully tenanted and partially tenanted scenario. Staff conducted their own assessment of the Rymal Road West and Upper Paradise Road comparison site and noted that 36 of the 40 parking spaces were occupied during the heaviest weekday peak for this fully occupied plaza, a slightly higher result than presented in the Supplementary Parking Analysis, but still meeting parking needs. Staff note that the comparison plaza is zoned Designated Neighbourhood Shopping Area "G-4" District in City of Hamilton Zoning By-law No. 6593, which generally permits uses similar in scale and intensity to the Local Commercial uses of the UHOP, with the exception of a "retail grocery store". While a number of the uses presently permitted in the site specific "C1-491" zone or proposed through this Zoning By-law Amendment application have the potential to be of a greater scale

and intensity of use, these uses have or are recommended to have a limit on gross floor area.

After consideration of the results of the Parking Justification Study and Supplementary Parking Analysis, the additional analysis of the proxy site completed by staff, and the recommended development regulations that will limit the scale of a number of the proposed uses, staff are supportive of the proposed Zoning By-law Amendment Application. Thus, the parking ratio of one space per 22 sq m of gross floor area for all permitted uses has merit and can be supported.

4. With respect to Engineering matters, the Development Engineering Approvals Section provided the following comments:

“The site is currently serviced by:

- A 300 mm diameter storm service to the storm sewer Panabaker Drive;
- A 375 mm diameter storm service to the storm sewer on Garner Road West;
- A 200 mm diameter sanitary service to the sanitary sewer on Panabaker Drive; and,
- A 150 mm diameter water service from the water main on Panabaker Drive.

It is understood that no changes will be made to the existing building footprint, servicing, or lands as part of this application.”

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property would remain zoned Neighbourhood Commercial “C1-491” Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, and would be subject to the uses permitted in the “C1-491” Zone, Modified and the provisions of the site specific zoning.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law No. 87-57 Amendment
- Appendix "C": Zoning Comparison Table