



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	March 21, 2017
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Valeria Maurizio (905) 546-2424 Ext. 1024
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-016, by Wellings Planning Consultants Inc. (Agent) on behalf of Sonoma Homes Inc. (Owner)**, for OPA No. **XX**, to redesignate a portion of the subject lands municipally known as 130 Dalley Drive from “General Open Space” to “Medium Density Residential 2” in the Ancaster Wilson Street Secondary Plan; and to redesignate the lands municipally known as 125 Wilson Street East from “Low Density Residential 3” to “Medium Density Residential 2”, and to add a site specific policy in the Ancaster Wilson Street Secondary Plan to permit a three storey multiple dwelling with a maximum of 19 units to be developed at a maximum density of 91 units per hectare, on the lands as shown on Appendix “A” to Report PED17037, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED17037, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to Growth Plan for the Greater Golden Horseshoe.

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- (b) That **Zoning By-law Amendment Application ZAC-16-040, by Wellings Planning Consultants Inc. (Agent) on behalf of Sonoma Homes Inc. (Owner)**, for a change in zoning from the General Commercial “C3-655” Zone, Modified and a portion of the Public Open Space “O2” Zone to the Multiple Residential “RM6-685” Zone, Modified, in order to permit a three storey multiple dwelling with a maximum of 19 units with 38 parking spaces, for lands located at 125 Wilson Street East and 130 Dalley Drive, as shown on Appendix “A” to Report PED17037 be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED17037, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That **Amended Zoning By-law Amendment Application ZAC-16-040, by Wellings Planning Consultants Inc. (Agent) on behalf of Sonoma Homes Inc. (Owner)**, for a change in zoning from the Public Open Space “O2” Zone in the Town of Ancaster Zoning By-law 87-57 to the Conservation / Hazard (P5, 610) Zone, in the City of Hamilton Zoning By-law 05-200; for a portion of the lands known as 130 Dalley Drive, as shown on Appendix “A” to Report PED17037 be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED17037, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX;
  - (iii) That the amending By-law, attached as Appendix “D” to Report PED17037, be added to Map No. 1288 of the City of Hamilton Zoning By-law No. 05-200.

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- (d) That, in accordance with the previous planning approvals for the subject lands, the timing of the Site Plan approval meeting be scheduled in consultation with the Ward Councillor to allow for the Ward Councillor to attend the meeting and that the Site Plan be in general conformity with the established character of the Wilson Street Secondary Plan area, including the use of stone facades and heritage lights, and that the building design, layout, and orientation be in conformity with the with Site Plan attached at Appendix “E” to Report PED17037.

## **EXECUTIVE SUMMARY**

The applicant is proposing to develop the subject lands with a three storey, 19 unit multiple dwelling with 38 parking spaces (31 in underground parking and 7 at-grade). In order to do this, the applicant needs amendments to the Urban Hamilton Official Plan and the Zoning By-law.

The proposed Official Plan Amendment is to redesignate a portion of the subject lands, municipally known as 130 Dalley Drive, from “General Open Space” to “Medium Density Residential 2” in the Ancaster Wilson Street Secondary Plan; and to redesignate the lands municipally known as 125 Wilson Street East from “Low Density Residential 3” to “Medium Density Residential 2” and to add a site specific policy in the Ancaster Wilson Street Secondary Plan to permit a three storey multiple dwelling with a maximum of 19 units, which equates to a maximum density of 91 units per hectare.

The proposed Zoning By-law Amendment is for a change in zoning from the General Commercial “C3-655” Zone, Modified and a portion of the Public Open Space “O2” Zone to the Multiple Residential “RM6-685” Zone, Modified, with site specific provisions, in order to permit a three storey multiple dwelling consisting of 19 units with 38 parking spaces, for lands located at 125 Wilson Street East and 130 Dalley Drive.

The second proposed Zoning By-law Amendment to the City of Hamilton Zoning By-law No. 05-200 is to rezone the lands from the Public Open Space “O2” Zone in the Town of Ancaster Zoning By-law 87-57 to the Conservation / Hazard (P5, 610) Zone, in the City of Hamilton Zoning By-law No. 05-200 in order to protect the open space and trees located on site and bring the portion of the property into the City of Hamilton Zoning By-law No. 05-200.

The proposed Official Plan Amendment and Zoning By-law Amendments have merit, and can be supported, since the proposal 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, subject to the recommended amendment.

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***Alternatives for Consideration – See Page 37***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

## **HISTORICAL BACKGROUND**

### **Background**

In 2013, the owner submitted application ZAR-13-033 for the lands known as 125 Wilson Street East, in order to permit a commercial development consisting of a two storey, 496 square metres office building, for the purpose of business office and medical clinic uses. Council approved the application on May 14, 2014. However, the application was appealed to the Ontario Municipal Board by a third party on the basis of access, traffic and parking concerns. A settlement was reached whereby only one access to the proposed site was provided. The Ontario Municipal Board issued a decision dated January 22, 2015 approving the settlement and the proposed medical / business office development.

### **Purchase of 130 Dalley Drive**

130 Dalley Drive is a vacant, sloped and treed parcel of land, containing a hydro line and located to the rear of 125 Wilson Street East (see Appendix “A” to Report PED17037). As outlined in staff report PED15054, the City was approached by Sonoma Homes to use approximately 2,000 sq. ft. of the subject lands for employee parking. On May 13, 2015 Council declared the lands at 130 Dalley Drive as surplus and approved the sale of the lands. Sonoma Homes purchased approximately 2,880 square metres of the lands and the City retained approximately 1,083 square metres. The lands acquired by Sonoma Homes are shown as Block C on Appendix “A” to Report PED17037. The lands are encumbered with a Hydro corridor and associated Hydro easement. As part of the sale of the lands, a restriction on access from Dalley Drive was imposed so that access will not be permitted from Dalley Drive.

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## **Current Proposal**

The subject lands are comprised of the properties municipally known as 125 Wilson Street East and a portion of 130 Dalley Drive and are located on the north side of Wilson Street East, east of Jerseyville Road East and south of Dalley Drive. 125 Wilson Street East is an irregular, triangular shaped parcel of land with one side (westerly) lot line. 130 Dalley Drive is located to the rear of these lands, and together the subject lands comprise approximately 4,473 square metres (0.45 hectares). The frontage along Wilson Street East is approximately 108 metres.

The southwest portion of the site is grassed and vacant, while the northern edge of the subject lands is treed. The subject lands slope 2.5% from west to northeast, with a drainage ditch feature traversing the lands from west to east.

The current proposal is to construct a three storey (11 metres) multiple dwelling, condominium building, comprised of 19 units. The units in the proposed building will range in size from one bedroom to two bedroom plus den units. A total of 38 parking spaces (31 of which are located in underground parking and 7 parking spaces are located at grade) are proposed. Bicycle parking for 20 bicycles is also proposed in the underground garage. One access from Wilson Street East is proposed.

The purpose and effect of the proposed Official Plan Amendment is to redesignate a portion of the subject lands, municipally known as 130 Dalley Drive, from “General Open Space” to “Medium Density Residential 3” in the Ancaster Wilson Street Secondary Plan; and to redesignate the lands municipally known as 125 Wilson Street East from “Low Density Residential 3” to “Medium Density Residential 2” and to add a site specific policy in the Ancaster Wilson Street Secondary Plan to permit a multiple dwelling with a maximum of 19 units, which equates to a maximum density of 91 units per hectare. The proposed residential multiple dwelling with a maximum height of three storeys is a permitted use in the Medium Density Residential 2 designation.

The first proposed Zoning By-law Amendment is for a change in zoning from the General Commercial “C3-655” Zone, Modified and a portion of the Public Open Space “O2” Zone to the Multiple Residential “RM6-685” Zone, Modified, with site specific provisions to permit a three storey multiple dwelling consisting of 19 units with 38 parking spaces, for lands located at 125 Wilson Street East and 130 Dalley Drive.

A second proposed Zoning By-law Amendment is also proposed to the City of Hamilton Zoning By-law No. 05-200 to rezone a portion of 130 Dalley Drive from the Public Open Space “O2” Zone in the Town of Ancaster Zoning By-law 87-57 to the Conservation / Hazard (P5, 610) Zone, in the City of Hamilton Zoning By-law 05-200 in order to

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maintain the open space area and trees located on site and bring this portion of the property into the City of Hamilton Zoning By-law 05-200.

**Chronology**

- July 13, 2016: Applications UHOPA-16-016 and ZAC-16-040 received.
- July 26, 2016: Applications UHOPA-16-016 and ZAC-16-040 deemed complete.
- August 10, 2016: Public Notice Sign installed on subject lands.
- August 10, 2016: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-16-016 and ZAC-16-040 to 91 property owners within 120 m of the subject lands.
- February 22, 2017: Public Notice Sign updated with Public Meeting Information.
- March 3, 2017: Circulation of the Notice of Public Meeting to 91 property owners within 120 m of the subject lands.

**Details of Submitted Applications:**

- Location:** 125 Wilson St. East and 130 Dalley Drive, Ancaster
- Owner / Applicant:** Sonoma Homes Inc. (c/o Michael Chiaravalle)
- Agent:** Wellings Planning Consultants Inc. (c/o Glenn Wellings)
- Property Description:**
- |                      |  |
|----------------------|--|
| <u>Lot Frontage:</u> | 108 metres   |
| <u>Lot Depth:</u>    | Irregular Triangular lot (ranges from approximately 45 metres to 0 metres) |
| <u>Lot Area:</u>     | 4,473 square metres  |
| <u>Servicing:</u>    | Existing Full Municipal Services   |

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**Existing Land Use and Zoning**

<b><u>Subject Lands</u></b>	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
	Vacant (Block 2 on Appendix “A” to Report PED17037) and Open Space (Blocks 1 and 3 on Appendix “A” to Report PED17037)	General Commercial “C3-655” Zone, Modified and Public Open Space “O2” Zone
<b><u>Surrounding Land Uses</u></b>		
<b>North</b>	Single Detached Dwellings north of Dalley Drive	Existing Residential “ER-204” Zone, Modified
<b>East</b>	Treed Open Space	Public Open Space “O2” Zone
<b>South</b>	Commercial Uses	Existing Residential, “ER – 536” and “ER - 225” Zone, Modified, Commercial 4 “C4” Zone
	Single Detached Dwellings	Existing Residential “ER” Zone
<b>West</b>	Single Detached Dwelling	Existing Residential “ER” Zone and Existing Residential “ER-210” Zone, Modified

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). Policy 1.1.3.1 states that Settlement Areas are to be the focus of growth and development. Policies 1.1.3.2, 1.1.3.3, 1.1.3.4, and 1.4.3 speak to the promotion of densities which efficiently use land and resources, infrastructure and public service facilities, the promotion of appropriate intensification and redevelopment at appropriate locations, and to providing an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area.

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The proposal is consistent with the general intent of the PPS which encourages a range of housing types and densities, compact urban form and an efficient use of land and resources.

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.”

The subject property meets two (2) of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) In an area of sandy soil in areas of clay or stone; and,
- 2) Along historic transportation routes.

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.

A Stage 1-2 archaeological report (P017-0486-2016) has been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of Planning staff.

Policy 2.1 governs natural heritage and its protection for the long term. The lands known as 130 Dalley Drive are designated as General Open Space in the Ancaster Wilson Street Secondary Plan. However, the UHOP (Volume 1, Schedule B Natural Heritage System and Volume 2 Ancaster Wilson Street Secondary Plan Land Use Plan Map B.2.8-1) do not identify any significant components of the Natural Heritage System for the subject lands (i.e. environmentally significant areas, areas of natural and scientific interest, significant woodlands, wetlands, watercourses and linkages). Accordingly, the PPS policies with respect to Natural Heritage are not applicable, but the proposal does provide for the protection of the majority of the open space lands in that it is proposed to place these lands (i.e. Block 3 on Appendix “A” to Report PED17037) in the Conservation / Hazard (P5, 610) Zone, which does not permit the lands to be developed.

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**Places to Grow: Growth Plan for the Greater Golden Horseshoe**

The Growth Plan outlines the following policies to manage future growth:

- “2.2.2.1 Population and employment growth will be accommodated by –
- a) directing a significant portion of new growth to the built-up areas of the community through intensification;
  - b) focusing intensification in intensification areas;
  - c) building compact, transit-supportive communities in designated greenfield areas;
  - d) reducing dependence on the automobile through the development of mixed-use, transit-supportive, pedestrian-friendly urban environments;
  - e) providing convenient access to intra- and inter-city transit”.

The subject lands are located within the built-up area of Hamilton, in an area designated for growth and more specifically, for residential uses. The subject lands are located where full municipal services are available, and along a main street with access to local stores and services.

The proposal conforms to the Growth Plan for the Greater Golden Horseshoe.

**Urban Hamilton Official Plan**

The subject lands are identified as “Community Node” on Schedule “E” Urban Structure and are designated “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations. The lands are also designated “Low Density Residential 3” and “General Open Space” on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan - Land Use Plan.

Wilson Street East is identified as a major arterial road with an identified right-of-way width of 30.48 metres.

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

### **Cultural Heritage / Archaeology**

The following UHOP Volume 1 policies regarding Cultural Heritage and Archaeology apply to the subject lands:

- “B.3.4.1.3 Ensure that all new development, site alterations, building alterations, and additions are contextually appropriate and maintain the integrity of all on-site or *adjacent cultural heritage resources*.
- “B.3.4.4.2 In *areas of archaeological potential* identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act:
- a) official plan amendment or secondary plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;
  - b) zoning by-law amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*.”

As the subject lands are located within an area of archaeological potential as identified on Appendix F-4, as per policy B.3.4.4.2 a Stage 1-2 Archaeological Assessment (P017-0486-2016) has been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of Planning staff.

### **Intensification**

- “E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.
- E.3.2.13 The City supports residential intensification on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Lot Creation, and other applicable policies.”

The applicable residential intensification policies of the UHOP include the following:

“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;
- 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.

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

- a) the matters listed in Policy B.2.4.1.4;
- 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;
- c) the consideration of transitions in height and density to adjacent residential buildings;

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- d) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- e) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- f) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- g) the ability to complement the existing functions of the neighbourhood;
- h) the conservation of cultural heritage resources; and,
- i) infrastructure and transportation capacity and impacts.”

The subject lands are located along a stretch of Wilson Street East where there are a variety of uses and built form typologies. Immediately abutting the subject lands, to the west is a single detached dwelling, while two properties to the west of this proposal is an approved townhouse development with a three storey height limit. This portion of Wilson Street East is also designated Low Density Residential in the Secondary Plan, which also permits low rise multiple dwelling buildings. In addition, across the street are a number of single detached house form buildings that have been converted into commercial uses, as well as a purpose built commercial building, all ranging in heights of one to two storeys. The neighbourhood to the north of Dalley Drive is known as the Mansfield Park neighbourhood and is characterized by single detached housing on large lots and large, mature vegetation. The proposed multiple dwelling will front onto Wilson Street East and occupies a majority of the 125 Wilson Street East site. The portion of the lands at 130 Dalley Drive are adjacent to 125 Wilson Street, will contain a building footprint on only 137 square metres of the lands to be redesignated (4.75% of the General Open Space lands owned by Sonoma Homes) and will contain a parking area on approximately 195 square metres (6.8% of the General Open Space lands owned by Sonoma Homes). The balance of the lands fronting onto Dalley Drive will remain undisturbed and it is proposed to place these lands (Block 3 on Appendix “A” to Report PED17037) in the Conservation / Hazard (P5, 610) Zone which restricts the use of the lands to conservation, floor and erosion control facilities, and passive recreation uses. The proposal has been designed to fit within its existing and planned character.

The height limit being proposed is permitted in the UHOP and whereas the parent “RM6” Zone permits a maximum building height of 10.5 metres a small increase in height is proposed to permit a maximum building height of 11.0 metres. The applicant

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has submitted an Urban Design Brief that demonstrates that there are no anticipated significant shadow impacts or other impacts from the height and that the rationale for the increased height is to provide a better design. The proposed massing of the building has been broken up into three main sections and the proposal is to have a limestone façade, in keeping with the historical building materials and look of the Ancaster Village Core. The building has been placed closer to the street, while the 7 surface parking spaces are located in the side yard.

With respect to amenity space, each building will have its own balcony. The rail trail and system of green spaces are within walking distance of the subject lands.

The neighbourhood to the north of the subject lands will be buffered by the proposed building by the remaining portion of 130 Dalley Drive that is to remain in the General Open Space designation that is treed and these existing trees are to remain. In addition, new trees will be planted in the rear of the proposed building. The change in designation only applies to a small portion of 130 Dalley Drive owned by Sonoma Homes (463 square metres of 2,880 square metres, or 16.1 % which is comprised of a small portion of the building, a small portion of the outdoor amenity area (balcony and patio) and a small portion of the parking area.

#### Noise

“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.”

As the application is for a sensitive land use that fronts along a major arterial road, a detailed noise study will be required at the time of Site Plan Control in order to identify and implement any noise mitigation measures / construction techniques that may be required. Necessary warning clauses identified through the future study can be included on the Site Plan drawing along with any further recommendations identified in the Noise Study and implemented through the Site Plan approval process and Condominium approval process if required.

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

The subject lands are designated “Low Density Residential 3” and “General Open Space” on Map B.2.8-1 – Ancaster Wilson Street Secondary Plan - Land Use Plan. The following policies, amongst others, from the Ancaster Wilson Street Secondary Plan apply to the proposal and the subject lands:

Maintaining and enhancing the overall character of this area, as it contains the historic downtown Ancaster, is an important policy objective of this Secondary Plan. The preservation of older buildings, varied street fronts, and a distinct look and feel all contribute to maintaining this character.

**“B.2.8.6.1 Ancaster Community Node Policies**

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:

- a) The Ancaster Community Node shall be a focus area for growth, development, and intensification within the Ancaster Wilson Street Secondary Plan.
- b) The Ancaster Community Node shall include a range of housing forms and tenures, and a mix of employment, institutional, recreational, and commercial uses subject to the land use designation policies of this Secondary Plan and Volume 1 of this Plan.
- c) Intensification and infill development shall be balanced with the heritage and historic character of Ancaster. Further guidance for incorporating heritage features, design, and overall character through infill and intensification is provided in the supporting Ancaster Wilson Street Urban Design Guidelines.
- d) Within the Ancaster Community Node, larger scale development and redevelopment are encouraged to be directed towards the Uptown Core and western portion of the Gateway Residential area, as shown on Appendix A - Character Areas and Heritage Features.
- e) The overall density for the Ancaster Community Node shall be 50 people and jobs per hectare.”

The proposed development is small in scale on a vacant site that represents intensification within the Ancaster Community Node, adding to the range of housing forms available in the node. The subject lands are vacant and therefore do not contain

any heritage features have been designed to respect and maintain the character of the area.

### **Medium Density Residential**

While the lands are designated Low Density Residential 3, the proposal is considered Medium Density Residential and has been evaluated against these policies. As previously discussed, an Official Plan Amendment is required to implement the proposal.

“B.2.8.7.2 In addition to Sections B.3.2 - Housing Policies, C.3.2 - Urban Area General Provisions, and E.3.0 - Neighbourhood Designations of Volume 1, the following policies apply to all residential land use designations identified on Map B.2.8-1 - Ancaster Wilson Street Secondary Plan: Land Use Plan:

- 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.
- c) Reverse frontage lotting patterns shall not be permitted, except where existing on the date of approval of this Secondary Plan.
- d) Direct access to individual dwelling units from Wilson Street and Fiddlers Green Road shall be discouraged. Alternative forms of access, such as use of shared or common access points and rear lane arrangements, shall be encouraged.”

The proposal has been massed, sized and designed to maintain and enhance the low-rise style of the existing adjacent residential areas and uses. The proposed building maintains the three storey height limitation in the area, incorporates a pitched roof, and has been designed to include two recesses so that the building façade is divided into smaller components. The building faces Wilson Street East and has a direct pedestrian entrance from the street. The access to the proposed development and the parking area will be connected to the sidewalk on the north side of Wilson Street East. As the building is a multiple dwelling, only one access is proposed to the subject lands.

“B.2.8.7.4 In addition to Section E.3.5 – Medium Density Residential of Volume 1, for lands designated Medium Density Residential 2 on Map B.2.8-1 - Ancaster

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Wilson Street Secondary Plan: Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.5.2 and E.3.5.4 of Volume 1, the permitted uses shall be limited to single detached dwellings, semi-detached dwellings, all form of townhouse dwellings, low-rise multiple dwellings, and live-work units.
- b) Notwithstanding Policy E.3.5.7 of Volume 1, the net residential density range shall be 60 - 75 units per hectare.
- b) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum building height shall be three storeys.”

The proposal is for a low-rise multiple dwelling, a permitted use within the Low Density Residential 3 designation as well as the Medium Density Residential 2 designation. However, the proposed density of 91 units per net residential hectare does not comply with the Medium Density Residential 2 policies and an amendment to the Official Plan is required. The density of 91 units per net residential hectare is calculated based on the area proposed to be redesignated to Medium Density Residential 2, and does not include the open space lands on 130 Dalley Drive also owned by the applicant (i.e. Block 3 on Appendix “A” is excluded from the density calculation).

Although Volume 1 of the UHOP permits a maximum net residential density of 100 units per hectare, the Ancaster Wilson Street Secondary Plan only permits a maximum net residential density of 75 units per hectare. The relevant policies from the Medium Density Residential designation in Volume 1 are as follows:

- “E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.

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- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
  - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
  - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
  - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
  - e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

The proposal is for a multiple dwelling fronting on a major arterial road, on the periphery of the neighbourhood. It is located within walking distance of public transit, recreational facilities, and community facilities and is located near commercial uses, which is in compliance with the Medium Density Residential policies. As discussed further below, the building has been designed to ensure the height, orientation, massing, scale and design is compatible with the abutting uses. The subject lands do about a single detached dwelling, and the applicant has proposed dense plantings to ensure a visual screen between the two dwellings that will be implemented at the Site Plan stage. In response to concerns raised by staff, the applicant has agreed to further revisions to the façade so as to delete the west facing windows at the northwest corner of the building on all levels and provide for bathroom windows that have a sill height that will allow light to penetrate but be located above eye level. There are no other developments directly

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abutting the subject lands. With respect to the houses on the north side of Dalley Drive, the proposed building is over 45 metres away from the closest properties along Dalley Drive, and the treed green space along the hydro corridor on the remainder of 130 Dalley Drive will remain. Adequate parking, landscaping, and amenity features are included with the proposal. The surface parking area and utilities will be screened from Wilson Street East by a planting strip. Therefore, staff are supportive of the Official Plan Amendment.

Parks and Open Space

- “B.2.8.9.1 a) All existing Parks and Open Space areas in the Ancaster Wilson Street Secondary Plan shall be retained for use as parks and open space. These lands shall not be redeveloped for other uses to ensure they are preserved for active and passive recreation uses.
- d) The Radial Trail, identified as General Open Space on Map B.2.8-1 Ancaster Wilson Street Secondary Plan: Land Use Plan, is an important trail connection from the greater Ancaster area to the Ancaster Wilson Street Secondary Plan and Community Node. The use of improved wayfinding, where appropriate, is encouraged.”

The applicant is proposing to re-designate approximately 0.0463 hectares (legally described as Part 4 of Part 62R-20151) of the lands designated General Open Space to the Medium Density Residential 2 designation. A total of approximately 0.288 hectares of the subject lands are designated as General Open Space. The total of the lands designated General Open Space, including lands that are retained by the City include approximately 3,963 square metres (0.40 hectares). The lands proposed to be redesignated to the Medium Density Residential 2 designation represent approximately 11.7% of the total General Open Space lands and approximately 16% of the General Open Space lands owned by the Applicant.

Of the lands proposed to be redesignated, approximately 137 square metres (3.5%) will contain a building footprint and 195 square metres will contain the parking area, which represents approximately 4.8% of the total “General Open Space” lands. The lands to be redesignated would have the effect of extending the depth of the developable area by 5.2 metres. There are no trees in this proposed area.

The lands are designated General Open Space and given the topography, drainage ditch and the hydro easement, are not suitable for active or passive recreational activities without extensive regrading and tree removals. Furthermore, the location and configuration of 130 Dalley Drive separates the backyards of the properties fronting onto Wilson Street East from the residential subdivision known as Mansfield Park, to the

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north; this function will be maintained as the hydro corridor easement lands and the majority of the General Open Space lands will be maintained as part of this proposal. As shown in Appendix A to the Ancaster Wilson Street Secondary Plan, no cultural heritage features or historic resources have been identified on the lands. The lands were sold to Sonoma Homes from the City with the understanding that a portion of the lands were going to be used to expand the parking area.

The portion of the subject lands sold to the applicant are not identified as a potential connection or as a park or open space on “Appendix B – Potential Connections” to the Ancaster Wilson Street Secondary Plan. The staff report declaring the lands as surplus note that the hydro line and undulating topography limit the development potential of the site, and identify the lands as a liability and an unproductive asset for the City of Hamilton. Therefore, staff are supportive of the proposed Official Plan Amendment.

### **Transportation Policies**

#### **“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.”

Dedicated bicycle lanes are provided for along this segment of Wilson Street East which will not be impacted by the proposed development. By locating a multiple dwelling residential building fronting on Wilson Street East, there is greater potential for the bicycle lane to be used by the future residents of this proposed development. Sidewalks are also present on both sides of Wilson Street East, and the main entrance of the building fronts onto Wilson Street East and is directly connected to the sidewalk. Furthermore, the main entrance façade includes a canopy, providing pedestrian shelter from wet weather conditions. With respect to transit, the #16 bus runs along Wilson Street East, with stops located approximately 500 metres from the subject lands, in both directions.

### **Urban Design**

The Ancaster Wilson Street Secondary Plan contains a number of urban design policies which speak to respecting heritage and maintaining a high quality of design and aesthetic in the Secondary Plan area. A high quality of built form is required, and intended to contribute to the vitality and functionality of the Secondary Plan area.

- “B.2.8.12.1
- a) 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.
  - 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 Guidelines.
  - c) For the purposes of maintaining community character and cohesive design, five Character Areas have been identified, as shown on Appendix A - Character Areas and Heritage Features. The five Character Areas shall include:
    - ii) Transition Area, located from Dalley Drive to Fiddlers Green Road, which is a predominantly residential area with a variety of housing types and some non-retail commercial uses along Wilson Street.
  - d) The Ancaster Wilson Street Secondary Plan Urban Design Guidelines further describe the design objectives, function, and design character of each Character Area.

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- e) New development or redevelopment shall complement the distinct character, design, style, building materials, and characteristics, which define each Character Area.
- f) Design requirements shall only apply to commercial and mixed use areas, institutional, and multi-residential developments. The Guidelines shall not apply to single detached and semi-detached dwellings.
- g) Development or redevelopment shall not negatively affect active transportation within the Ancaster Wilson Street Secondary Plan.
- g) Development and redevelopment shall foster streets as interactive outdoor spaces for pedestrians.”

The Secondary Plan and corresponding Ancaster Wilson Street Secondary Plan Guidelines have identified five main character areas within the Secondary Plan area and the Guidelines more fully describe the design objectives, function, and design character of each Character Area. The applicant has submitted an Urban Design Brief in order to address the urban design policies of the UHOP, the Secondary Plan, and the Ancaster Wilson Street Secondary Plan Urban Design Guidelines. The subject lands are located within the “Transition Area” character area, which stretches along Wilson Street East from Dalley Drive to Fiddlers Green Road and is identified as a predominantly residential area with a variety of housing types and some non-retail commercial uses along Wilson Street East. New development is to complement the distinct character, design, style, building materials and characteristics. The subject lands are not adjacent to any designated or listed heritage buildings. The proposal will assist in promoting active transportation within the Secondary Plan area, as it provides for a multi-unit residential use directly on a transit and cycling route. As detailed under the Ancaster Wilson Street Urban Design Guidelines section below, the proposal has been designed in accordance with the character, design, style, building materials and characteristics of the Transition Area.

### **Ancaster Wilson Street Urban Design Guidelines**

The applicant has submitted an Urban Design Brief in order to address the urban design policies of the UHOP, the Secondary Plan, and the Ancaster Wilson Street Secondary Plan Urban Design Guidelines. The following applicable guidelines apply to the proposal:

### Design Intent

“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;
- Building masses are parallel to the street with strong pedestrian connections; and,
- Building heights are limited to 3 storeys with pitched rooflines.”

The proposal is for a multiple dwelling building with a maximum of 3 storeys which incorporates pitched rooflines and is located parallel to the street, with a direct pedestrian connection from the entrance of the building to the existing sidewalk (please see Appendix “E” to Report PED17037 for Concept Site Plans and Elevations). The proposal contributes to the mixed use function of the area, which includes commercial uses to the east, south and west of the subject lands.

The subject lands fall within the Typology B building form, as described in the Urban Design Guidelines. The building typology for this area, as described in the Ancaster Wilson Street Urban Design Guidelines, is a residential typology where a majority of the front yard and lawns are landscaped, parking areas are located in the side yard with appropriate screening, permeable paving materials are encouraged, and all stormwater is retained on site. The finished floor level of the building should be the average of the adjacent buildings, doors should be recessed, windows should be rectangular and oriented vertically, and balconies can be provided.

The building is configured so that the entire mass of the building is broken into a series of smaller volumes, giving the appearance of three smaller buildings on Wilson Street East. Each third of the building has a pitched roof with a 300 mm overhang. Rooftop mechanical equipment will be located centrally on the flat roof areas and will not be visible from the street or neighbouring properties. The building’s proposed first floor level is in line with the adjacent building, the main door is recessed, while windows are provided on the facades and are rectangular and vertical in orientation. The parking area to the east is separated by a grade level change from the adjacent sidewalk on Wilson Street East, and plantings will be provided along this edge, ensuring that the

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parking area will be screened from the street. The proposed building has been designed to be generally in compliance with the design guidelines for the Typology B building type for the Transition Character Area.

As part of the previous planning application for the proposed medical office in 2014, Planning Committee and Council directed staff to ensure that the Ward Councillor be involved in the Site Plan Control process in order to ensure that the site plan and building materials be generally in accordance with the site plan / concept plan provided at the time of the Zoning By-law Amendment application. Similarly, staff are proposing that this direction be maintained for the current proposal, and are recommending that the timing of the Site Plan approval meeting be scheduled in consultation with the Ward Councillor to allow for the Ward Councillor to attend the meeting and that the Site Plan be in general conformity with the established character of the Wilson Street Secondary Plan area, including the use of stone facades and heritage lights and that the building design, layout, and orientation be in conformity with the with Site Plan attached at Appendix "E" to Report PED17037.

**Ancaster Zoning By-law 87-57**

The subject lands are currently zoned General Commercial "C3-655" Zone, Modified, and Public Open Space (O2) in the Ancaster Zoning By-law. Residential uses are not permitted in the General Commercial or Public Open Space zones.

The applicant is proposing a change in zoning from the General Commercial "C3-655" Zone, Modified and a portion of the Public Open Space "O2" Zone to the Multiple Residential "RM6-685" Zone, Modified, with site specific modifications in order to permit a three storey multiple dwelling consisting of 19 units with 38 parking spaces on the subject lands, as shown on Appendix "A" to Report PED17037. The previous proposal for the medical office had a number of site specific modifications to the Commercial (C3) Zone, including the front yard setback requirement. As the proposal will be in a different zone category (Multiple Residential, RM6) than the previous medical office proposal the zone requirements have changed. The proposed site specific modifications to the Multiple Residential "RM6" Zone are as follows:

- maximum permitted density of 91 units per hectare whereas the maximum permitted density is 60 units per hectare;
- minimum lot depth of 52 metres (triangular lot point of intersection) whereas the minimum permitted lot depth is 45 metres;
- maximum lot coverage of 50% whereas a maximum lot coverage of 25% is required;

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- maximum permitted height of 11 metres whereas a maximum building height of 10.5 metres is required;
- minimum front yard setback of 3.0 metres whereas the minimum permitted front yard setback is 7.5 metres;
- minimum side yard setback of 1.2 metres (narrowest point) whereas the minimum permitted side yard setback is 9.0 metres and an apartment building is to be located no closer than 18 metres to a dwelling on an adjacent lot;
- to permit no Children's Outside Play Area whereas a Children's Outside Play Area with at least 2.5 square metres per bedroom is required;
- minimum permitted landscaping of 26% of the lot area whereas a minimum landscaping of 40% is required;
- minimum planting strip of 1.0 metres whereas the minimum permitted planting strip is 3.0 metres;
- to permit a total of 38 parking spaces, whereas a total of 45 parking spaces are required; and,
- to permit a total of 5 tandem parking spaces, whereas tandem parking spaces are not permitted in the Zoning By-law.

These site specific zoning modifications and the change in zoning for a portion of the subject lands zoned Public Open Space "O2" was reviewed by staff and is further discussed under the Analysis and Rationale for Recommendation section below.

**City of Hamilton Zoning By-law 05-200**

As part of the City's process to harmonize all former municipal Zoning By-laws into the new City of Hamilton Zoning By-law, the lands that are zoned Public Open Space (O2) in the Ancaster Zoning By-law and that will remain open space are proposed to be added to the Conservation / Hazard (P5, 610) Zone, in the City of Hamilton Zoning By-law 05-20. Please see Block 3 on Appendix "A" to Report PED17037. The effect of this amendment will be to continue to protect the open space and trees located on the subject lands, as the only uses permitted in the "P5" Zone are conservation and passive recreation. A site-specific modification to permit the proposal with no setbacks to the proposed "P5" zone boundary and a restriction on access from Dalley Drive is also proposed to be included in the implementing Zoning By-law, to be consistent with the

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provisions of the sale of 130 Dalley Drive. This specific amendment is a technical amendment to update the zoning of this open space area and does not change the use of this portion of the subject lands.

**RELEVANT CONSULTATION**

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

- Recreation Division, Community and Emergency Services Department;
- Trails, Parks and Open Space, Public Works Department;
- Corporate Assets and Strategic Planning Division, Public Works Department;
- Hamilton Police Services;
- Emergency Services; and,
- Union Gas.

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

**Alectra Utilities** (formerly Horizon Utilities) advises that the relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense and that Alectra Utilities should be contacted in order to facilitate this work and that the applicant shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment. Alectra requires a minimum of 6 months notification in order to design and procure the required materials to service the site.

**Forestry and Horticulture Section, Public Works Department** advises that as no municipal tree assets are found on this property, a Tree Management Plan is not required. The Landscape Plan provided is approved subject to minor amendments to the species selection. Smaller species are required to be planted within the hydro corridor than what the applicant has proposed. A revised Landscape Plan will be required at the time of Site Plan approval which, among other matters, must also address this comment. A payment of \$6,667.00 will be required payment for the planting of the 10 proposed municipal street trees.

**Corridor Management** has advised that they require a minimum driveway access width of 7.5 metres and a curve radius of the proposed access of 6.0 metres. They also require a minimum 3 metre by 3 metre visibility triangles where the maximum height of any object or mature vegetation cannot exceed the height of 0.70m above the corresponding perpendicular centreline elevation of the adjacent street. An Access Permit from the Public Works Department is required for any new or changes to existing

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accesses and they recommend that the applicant / owner contact all the respective Utilities.

**Operations Support, Business Programs, Public Works Department** has advised that the proposed development is eligible for waste collection of garbage, recycling, organics, and leaf and yard waste through the City of Hamilton.

**Hamilton Conservation Authority** has stated that they have no comment on the applications but has requested to be circulated on the future Site Plan Control application in order to ensure that any potential Stormwater management issues are addressed.

## **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 91 property owners within 120 metres of the subject property on August 10, 2016, for the proposed Official Plan Amendment and Zoning By-law Amendment applications.

To date, 10 public submissions have been received identifying concerns with respect to the sale of 130 Dalley Drive, the potential removal of trees, traffic and type of use proposed, given that there was a recent approval for a medical office (see Appendix “F” to Report PED17037). These concerns are addressed further below under the Analysis and Rationale for Recommendation Section of this report. The proposal was also presented to the Ancaster Community Council on December 5, 2016, where City staff were also in attendance).

A Public Notice Sign was posted on the property on August 10, 2016 and updated on February 22, 2017 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on March 3, 2017.

## **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) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,

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- (iii) The proposed development represents good planning by providing a compact urban form which efficiently uses land and infrastructure resources.

2. Urban Hamilton Official Plan Amendment

The proposed Official Plan Amendment is to redesignate a portion of the subject lands municipally known as 130 Dalley Drive from “General Open Space” to “Medium Density Residential 2”, to redesignate the lands municipally known as 125 Wilson Street East from “Low Density Residential 3” to “Medium Density Residential 2” and to add a site specific policy in the Ancaster Wilson Street Secondary Plan to permit a multiple dwelling with a maximum of 19 units (density of 91 units per hectare) (see Blocks 1 and 2 on Appendix “A” to Report PED17037).

The City declared 130 Dalley Drive surplus to its needs subject to a restriction on the cutting of trees on the General Open Space lands (except where required for safety of the hydro corridor). A restriction on access from Dalley Drive was also imposed. Additional plantings in order to provide greater amenity are proposed through this development and a visual barrier will be required at the Site Plan Control stage, which will contribute additional plantings to the area. Due to the presence of the hydro line, however, the species selection and height of the trees will be restricted.

The remainder of the lands designated General Open Space will not be negatively impacted by the proposed development as there is a hydro corridor running along the lands, with a 5 metre easement on either side of the corridor. Two corners of the building meet the south edge of the hydro easement, which will not impair the use or maintenance of the hydro easement.

The Official Plan permits a maximum of 60 units per hectare in the low density residential designation. The proposed redesignation to Medium Density Residential 2 and the introduction of a site specific policy permits the proposed density of 91 units per hectare. This increase in density allows for an additional 3 units over what would have been permitted in the Medium Density Residential 2 designation and an additional 6 units over what would have been permitted in the Low Density Residential 3 designation in the Ancaster Wilson Street Secondary Plan. Staff are satisfied that adequate parking is provided and that adequate landscaping and design features have been incorporated to provide buffering to the adjacent uses. The increase in density is also in keeping with the Community Node Official Plan and the Provincial Policies which encourage compatible intensification. Furthermore, the maximum density of 91 units per hectare only

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applies to the portion of the subject lands to be designated Medium Density Residential 2, and does not take into account the larger property that includes a portion of the lands designated for open space, as no development will be permitted on the lands to remain in the General Open Space designation. If the entire lands were to be used, then the proposed density would equate to 43 units per hectare, which is within the Low Density Residential 3 designation. The houses along Dalley Drive are set back more than 46 metres (152 feet) away from the closest portion of the proposed building and are separated by a hydro easement and open space lands. There are no overlook or shadow impacts. The proposed building is appropriately scaled and massed.

Providing additional residential development along Wilson Street East provides additional market support to businesses along the street. Furthermore, the subject lands are located within walking and cycling distance of the Village Core, thereby encouraging the alternative modes of transportation.

The massing of the building has been broken up through the use of recesses to give the appearance of three smaller components and the roof is gabled / pitched. The proposed façade is to be made from random sized limestone. The gabled / pitched roof and the natural limestone are characteristics found in the Ancaster Village Core. The proposal is consistent with and achieves the urban design objectives of the Secondary Plan and corresponding Urban Design Guidelines. Therefore, staff are supportive of the proposed Official Plan Amendment.

3. The applicant has requested a change in zoning from the General Commercial “C3-655” Zone, Modified and a portion of the Public Open Space “O2” Zone to the Multiple Residential “RM6-685” Zone, Modified to Ancaster Zoning By-law 87-57 in order to facilitate the proposed development. A review of the modifications is as follows:

Maximum Density

The parent “RM6” Zone of the Ancaster Zoning By-law permits a maximum density of 60 units per hectare, whereas the applicant’s proposal for 19 units with a residential lot area of 0.210 hectares (excluding the Open Space zoned lands) results in a maximum density of 91 units per hectare. As previously noted, staff considers the density increase appropriate as adequate parking, transportation and infrastructure capacity, and amenity areas are being provided for the proposed development. The proposed development has been designed to be compatible with the surrounding uses and is maintaining and enhancing the character of the neighbourhood. Furthermore, the subject lands are located on

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an arterial road where higher densities are appropriately located. As noted above, the maximum density calculation does not take into account the entire area of the subject lands, which is why the number is higher than what it would be if the entire lands were used. If the entire lands were used, the proposed density would be 43 units per hectare, which is within the permitted density of the “RM6” zone. Therefore, staff are supportive of this variance.

Minimum Lot Depth

The minimum lot depth requirement for the parent “RM6” Zone is 45 metres. When the front lot line and the rear lot line of a lot are not parallel to one another, the Zoning By-law calculates the lot depth as the distance between the midpoints of the front and rear lot lines. The lot depth of the combined parcels of 125 Wilson Street East and 130 Dalley Drive is 52.6 metres, which exceeds the minimum lot depth requirement. Given the irregular lot lines and shape of the combined lot, staff are proposing to include the minimum lot depth in the draft Zoning By-law so as to clarify the calculation of the lot depth.

Maximum Height

The parent “RM6” Zone and Section 7.11 of the Zoning By-law requires a maximum building height of 10.5 metres. Height is calculated from the average finished grade around the building to the highest point on the building, which is the peaked gabled roof. The recently approved townhouses at 97, 105 & 111 Wilson Street East were recently approved with a height increase of 11 metres, and so the proposed height is consistent with nearby buildings. As the proposed multiple dwelling will remain at three storeys, the increase in height is minor and is to accommodate the peaked roof design, staff are supportive of this modification.

Maximum Lot Coverage

The parent “RM6” Zone requires a maximum lot coverage of 25% whereas the proposal is for a maximum lot coverage of 49.073% (rounded to 50% in the proposed Zoning By-law). This modification is considered appropriate as adequate landscaping is being provided at grade. The site layout achieves important policy goals relating to achieving an active street presence, minimizing surface parking, and achieving the design goals and objectives of the Ancaster Wilson Street Secondary Plan and associated Urban Design Guidelines. In addition, similar to the maximum density calculation, the maximum lot coverage is only calculated on the portion of the lands to be developed in the “RM6” Zone, and does not include the entire lot and is a technicality. If the entire lot were to

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be used in the calculation, the lot coverage would be 23%. Based on these comprehensive design objectives, staff are supportive of the increased lot coverage.

#### Minimum Front and Side Yard Setbacks

The parent "RM6" Zone requires a minimum front yard setback of 7.5 metres (plus 10 metres from the centreline of Wilson Street East), whereas the applicant is proposing a minimum front yard setback of 3.0 metres. The 3.0 metres will provide for enhanced landscaping along the front of the building and parking area, located to the side of the building. This setback is appropriate as it addresses the City's urban design policies and Site Plan guidelines to provide a prominent street edge by locating buildings close to the street, with no parking in the front yard.

Regarding the side yard setbacks, the "RM6" Zone requires a 9 metre setback to a lot line abutting a residential zone and an apartment building is to be located no closer than 18 metres to a dwelling on an adjacent lot. The lot to the west of the subject lands contains a single detached dwelling. The applicant is proposing a west side yard setback ranging from 1.2 metres to approximately 3.5 metres. The 1.2 metre setback relates to the north western corner of the building. The adjacent single detached dwelling contains two small windows on its east side wall, making privacy concerns minimal. Furthermore, the applicant has agreed to modify the design in the bedrooms of the northwest units by removing the west facing windows from these bedrooms at all levels. The ensuite bathroom windows will have a sill height that will allow for light to penetrate, but will be located above eye level. A 1 metre landscape strip is also being provided along this yard, and this landscape strip will include a planting screen and fence in order to provide a visual buffer and enhanced privacy. A revised landscaping plan will be required at the Site Plan Control stage. No setback modifications are required for the easterly side yard. Therefore, staff are supportive of this modification.

#### Rear Yard

The Zoning By-law requires a minimum rear yard of 9 metres, and the proposal is providing a minimum rear yard setback of 13.8 metres, which meets this requirement. Staff are proposing to include this enhanced rear yard setback in the implementing zoning by-law, to ensure that an adequate distance from the rear yard and open space lands is maintained.

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### Children's Outside Play Area

The "RM6" Zone requires a curbed or fenced children's play area with at least 2.5 square metres per bedroom, whereas the proposed development will not include a children's play area. The applicant is providing a mix of one and two bedroom units in the proposed building, with the intent to target a market to those looking to downsize. Given the small size of the proposed development, staff are supportive of this modification.

### Minimum Landscaping

The minimum landscaping required is 40% of the lot area, whereas 26% of the lot area is proposed to be landscaped. Of note is that this percentage only applies to the portion of the lot that will be zoned to permit the residential use and will not apply to the Open Space zoned land. As there will be the treed lands in the Conservation (P5, 610)" Zone lands on the remaining portion of the lot and the City owned, treed portion of 130 Dalley Drive to the east of the residential building, adequate landscaping and green space will be provided. If the entire lands were included in the calculation of landscaping, the percentage of landscaping would be 65%, which is greater than the Zoning By-law requirement. Therefore, staff are supportive of the proposed modification.

### Planting Strip

The parent "RM6" Zone requires a 3.0 metre landscape strip where the property adjoins an "ER", "R1", "R2" or "R3" Zone, whereas the proposed planting strip is 1 metre wide. This requirement relates only to the westerly side yard. In order to mitigate any potential visual and overlook issues, the applicant has agreed to not provide any windows directly facing the rear yard of the dwelling to the west. Furthermore, at the time of site plan control high quality landscaping materials that provide a dense visual screening will be secured, which will provide the necessary visual buffer between the developments. The proposed planting strip of 1 metre will be sufficient to provide landscaping. As such, staff are supportive of this reduction.

### Parking

The Ancaster Zoning By-law 87-57 requires two (2) parking spaces per unit plus 0.33 visitor parking spaces per unit for a multiple dwelling which would result in a total of 45 required parking spaces. The applicant is proposing to provide a total of 38 parking spaces – 31 resident parking spaces and 7 visitor parking spaces. The applicant is meeting the required visitor parking rates as set out in the

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Zoning By-law; however the resident parking rate is approximately 1.63 parking spaces instead of 2 parking spaces per unit. Furthermore, the Zoning By-law requires that the parking spaces be permanently accessible, whereas a maximum of five (5) of the proposed 31 resident parking spaces will be tandem parking spaces. As such, the proposed breakdown of the proposed parking spaces is as follows:

Resident Parking	
Tandem	5 spaces
Unrestricted	26 spaces
Visitor Parking	7 spaces
<b>Total Parking</b>	<b>38 spaces</b>

The applicant submitted a parking study which estimates the demand of the parking supply for the proposed development to be approximately 21 parking spaces or 1.12 spaces per unit, inclusive of resident and visitor parking. The tandem parking spaces are to be sold to units requiring more than one parking space, and if no units require more than one parking space, then the tandem spaces are not to be utilized. At the time of Site Plan Control and Plan of Condominium, appropriate warning clauses will be included in the undertaking and agreement to advise potential future owners of the second tandem parking spaces. Staff are supportive of the reduction of the number of parking spaces, as the subject lands are served by transit and alternative modes of transportation are encouraged by the UHOP policies. Travel Demand Management measures such as the provision of bicycle parking spaces and being located on a bicycle route can encourage alternative modes of transportation to the automobile. The proposed development is providing the required amount of visitor parking spaces so as to prevent overflow visitor parking from infiltrating the neighbourhood and parking on the residential streets. Therefore, staff are supportive of this modification.

Location of Parking Space

Section 7.14 (a)(ix) of the Ancaster Zoning By-law regulates the location of parking spaces, but does not include any regulations for the "RM6" Zone. It is proposed to include a regulation requiring that a parking space may be located a minimum of 3 metres from the front lot line, so as to ensure that the parking area is in line with the building setback and maintains a consistent street edge. Staff are supportive of this amendment.

4. With Respect to Zoning By-law 05-200, staff have proposed to place the remaining open space lands that are zoned Public Open Space (O2) in the



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Ancaster Zoning By-law to the Conservation / Hazard (P5, 610) Zone, in the City of Hamilton Zoning By-law 05-200. Only conservation and passive recreation uses are permitted in the (P5, 610) Zone and as such the open space lands and trees will be conserved. Such amendment will also contribute to updating and harmonizing the City's Zoning By-law by adding additional lands in an appropriate zone in Zoning By-law 05-200. Therefore, staff are supportive of this amendment.

Restriction on Access from Dalley Drive

As noted above, as part of the sale of a portion of Dalley Drive, the City retained a 0.3 metre reserve along Dalley Drive so as to prohibit access to the lands from Dalley Drive. Staff are proposing to include this restriction on access in the amending Zoning By-law in order to ensure the intent to restrict access to the Dalley Drive lands is maintained. The restriction on access also maintains the intent to preserve the open space and treed character of the lands.

Setback from Conservation / Hazard Land Zones

Zoning By-law 05-200 contains a general provision which requires any building or structure on a property to be setback a minimum of 7.5 metres from a Conservation / Hazard "P5" Zone, Conservation / Hazard Land Rural "P6" and "P7" Zone boundary. There are three "pinch points" of the proposed building which abut the proposed (P5, 610) Zone boundary, the remaining rear walls of the proposed building are setback 2.95 metres from the proposed (P5, 610) Zone. Were the subject lands to remain within the Ancaster Zoning By-law, no special setback to an Open Space Zone would be required. Appropriate tree protection measures during the construction of the proposed building will be secured as part of the Site Plan Control process. No active recreation uses are proposed within the open space lands, and as such staff are supportive of this modification.

5. With respect to Development Engineering, the following comments apply to the proposed development:

The UHOP designates Wilson Street East between Hamilton Drive to just west of Halson Street as being a 100 foot (30.48m) right-of-way. Therefore, additional lands must be dedicated at development stage of the subject property for road widening purposes such that the UHOP width may be established. In accordance with Plan 62R-403 the amount of required widening is 17 feet (5.180m). The applicant has submitted a Right-of-Way Impact Assessment in order to demonstrate why the road widening requirement should be waived for

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this application. The Director of Planning has waived the road widening requirement for this development and has maintained the previous requirement for this property, which requires a 3.0 metre easement be granted to the City in lieu of the road widening. The easement will be secured at the time of the Site Plan Approval process.

Regarding stormwater management, at the development stage, onsite stormwater management control will be required based on both quality and quantity control.

There is a 900mm sanitary and a 675mm storm sewer within the Wilson Street East road allowance available to service this site. A 150mm public watermain on Wilson Street East is also available.

At the Site Plan Control stage, the applicant will be required to enter into an external works agreement with the City, to be registered on title, in order to design, build and secure the required lowering of the watermain and, if necessary, relocate the fire hydrant in front of the property, within the Wilson Street East right of way.

6. This proposal will be subject to Site Plan Control. As part of the applications, the applicant submitted a Tree Protection Plan and Landscape Plan. These plans will have to be revised at the time of Site Plan Control to address the landscaping provisions of the draft zoning by-law amendment. In addition to the tree preservation and landscape plans, there are some additional design matters that are to be further reviewed at the Site Plan Control stage relating to landscaping, wall fenestration, barrier-free accessibility, grading, drainage, stormwater management, and architectural design. Furthermore as noted above, the Hamilton Conservation Authority will be circulated on the future Site Plan Control application, as per their request.
7. As noted above, as part of the Notice of Complete Application and Pre-Circulation of the application, 10 written public submissions were received identifying the following concerns (Attached as Appendix "F" to Report PED17037):

Sale of 130 Dalley Drive

A number of concerns related to the opposition of the sale of 130 Dalley Drive. However, as discussed above, the sale of a portion of 130 Dalley Drive has already occurred and these applications were submitted after the sale was finalized. No access from Dalley Drive is permitted. The declaration of surplus

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lands and subsequent sale occurred through the Council-approved process as outlined in Report PED15054. As indicated on the plans attached as Appendix “E” to Report PED17037 only a portion of 130 Dalley Drive was sold.

Removal of Trees / Loss of Green Space

Associated with the sale of 130 Dalley Drive, many submissions expressed concern with the potential removal of the treed portion of 130 Dalley Drive as the green space in the neighbourhood is much appreciated for its buffer from Wilson Street East and for its value as green space. Related to this concern was also the concern as to whether any butternut trees were present on the subject lands.

As discussed above, only a portion of 130 Dalley Drive was sold to the applicant. Of this portion, the 463 square metre portion that is to be rezoned to permit the proposed development does not contain any trees. The trees and the hydro corridor on the remaining lands on 130 Dalley Drive owned by the applicant are subject to an easement for the hydro corridor which does not permit any building to be within 5 metres of this hydro corridor. This portion of the lands will be improved with additional plantings, and appropriate tree protection measures will be required during construction to ensure no damage to the existing trees. As to whether any butternut trees are on site, the applicant has submitted a Tree Protection Plan which includes a tree inventory prepared by a registered professional forester. This tree inventory did not identify any Butternut trees on the subject lands. The trees identified included Black Walnut, Norway Spruce, Pin Cherry, Scots Pine, Sugar Maple and White Pine.

Some letters also expressed concern about recent tree removals on the subject lands (125 Wilson Street East) and wanted to know whether there was permission for these removals. Six trees on the northeast portion of 125 Wilson Street East were recommended for removal and were removed in the summer of 2016. These trees were recommended for removal due to Emerald Ash Borer infestations.

Previous Application for Medical Office

Some of the letters expressed concern and / or questions about the previous application for a medical office on the subject lands (125 Wilson Street East). As discussed previously, the application for the medical office building was approved by the Ontario Municipal Board in January 2015. The applicant advises that since that time, the proposal has been marketed for over a year but the applicant has had difficulty in attracting suitable businesses. The applicant is able to make additional development applications should they decide to do so.

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One letter cited that the applicant still had the sign marketing the medical office proposal on the property, which was found to be misleading if the proposed use was no longer business office but changing to residential. Staff did request the applicant to remove the sign.

Traffic

The increased traffic from the proposed development was also raised in the letters from the public. Given the small amount of units proposed a traffic impact study was not required to be submitted with the application. The applicant has advised that the proposed development is likely to have fewer trips and therefore less traffic associated with it than with the previous proposal for the medical office. Corridor Management has not raised any concerns with the proposal and its associated vehicle trips.

Noise, Light Pollution, Nuisance Issues

A few of the written submissions raised concerns with respect to potential nuisance from noise and light pollution from the proposed development onto Dalley Drive. As discussed above, the proposal is over 150 feet away from the closest properties along Dalley Drive, and the buffer provided by the trees along the hydro corridor will not be removed. Furthermore, additional plantings will be provided along the hydro corridor which will provide for further screening.

Density

Some of the submissions also cited concerns about the intensity of the proposed development, comparing it with the recent approvals at 97, 105, 111 Wilson Street East, and questioning how more units could fit on a smaller lot. The recent approvals at 97, 105, and 111 Wilson Street East were for the establishment of 10 townhouses, which is a different housing form than an apartment style development. Townhouses are generally ground-oriented and have different spatial layouts and requirements than apartments. As discussed above, staff find the proposed density appropriate.

Flooding / Drainage Concerns

One submission raised concerns about potential drainage issues and flooding, and noted that there is an underground spring along Dalley Drive. The applicant has submitted a Functional Servicing Report which demonstrates that the stormwater from this proposed development can be controlled and discharged to the storm sewer along Wilson Street East.

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## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands could be developed in accordance with the existing General Commercial “C3-655” Zone, Modified, provisions.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Economic Prosperity and Growth**

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

### **Healthy and Safe Communities**

*Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.*

### **Clean and Green**

*Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.*

### **Built Environment and Infrastructure**

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

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map
- Appendix “B”: Proposed Official Plan Amendment
- Appendix “C”: Proposed Zoning By-law Amendment to Zoning By-law 87-57
- Appendix “D”: Proposed Zoning By-law Amendment to Zoning By-law 05-200
- Appendix “E”: Concept Plans
- Appendix “F”: Public Written Submissions

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