



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	July 6, 2021
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road (Flamborough) (PED20188) (Ward 15)
<b>WARD AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Elyse Meneray (905) 546-2424 Ext. 6360
<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-19-013, by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners)**, to establish an Area Specific Policy to amend the Commercial, Mixed Use – Medium Density and Staging of Development policies of the Waterdown South Secondary Plan to reduce the minimum requirement for retail and commercial space, permit accessory/associated residential uses on the ground floor and eliminate the retail and commercial development phases for lands located at 10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road, as shown on Appendix “A” to Report PED20188, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20188, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council; and,
- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019), as amended.

- (b) That **Amended Zoning By-law Amendment application ZAC-19-046 by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners)**, for a further modification to the Urban Commercial “UC-13” Zone for Blocks 1, 2a and 2b, to permit accessory/associated residential uses on the ground floor, a minimum of 1,256 sq m of retail and service commercial floor space, include additional “UC-13” Zone uses in the minimum retail and service commercial gross floor area calculation, establish minimum floor areas for each property and to facilitate the development of a 90 unit, six storey mixed use building with 306 sq m of ground floor commercial (Block 2a) and a seven unit, three storey mixed use building with 418 sq m of ground floor commercial (Block 2b) for lands located at 10 and 40 Mallard Trail (Block 1), 488 Dundas Street East (Block 2a) and 39 Mallard Trail (Block 2b) (Flamborough), as shown on Appendix “A” to Report PED20188 be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED20188, 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 (2020), conform to A Place to Grow (2019), as amended 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-19-046 by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners)**, to amend the Holding Provision of the Urban Commercial “UC-14(H)” Zone by removing the retail and service commercial Gross Leasable Floor Space provision, for lands located at 585 Skinner Road, as shown on Appendix “A” to Report PED20188 be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED20188 which has been prepared in a form satisfactory to the City Solicitor be forwarded to Council for enactment;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow (2019), as amended and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

## **EXECUTIVE SUMMARY**

The subject lands are comprised of five properties municipally known as 10 and 40 Mallard Trail (Block 1), 488 Dundas Street East (Block 2a), 39 Mallard Trail (2b) and 585 Skinner Road (Block 3), Flamborough. The subject lands are located within the Waterdown Bay Registered Plan of Subdivision 62M-1238. The Owners have applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to amend the Waterdown South Secondary Plan, the Urban Commercial “UC-13” Zone and the Urban Commercial “UC-14(H)” Zone.

The Official Plan Amendment proposes to amend the Mixed Use – Medium Density and staging of development policies (B.4.3.14.4.b) of the Waterdown South Secondary Plan to reduce the minimum requirement of retail and commercial space, permit accessory/associated residential uses on the ground floor and eliminate the retail and commercial development phases applicable to the District Commercial and Mixed Use – Medium Density designations in the Waterdown South Secondary Plan.

The Zoning By-law Amendment proposes to further modify the Urban Commercial “UC-13” Zone for the lands located at 10, 39 and 40 Mallard Trail and 488 Dundas Street East to permit accessory/associated residential uses on the ground floor, permit a minimum of 1,265 sq m of retail and service commercial floor space, include all “UC-13” Zone permitted uses in the minimum retail and service commercial gross floor area calculation and establish a distribution of the minimum floor area.

The Zoning By-law Amendment application further seeks to amend the Holding Provision applied to the “UC-14(H)” Zone to eliminate the maximum Gross Leasable Floor Area provision.

The applications have merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), as amended, and comply with the general intent of the policies of the Urban Hamilton Official Plan (UHOP), subject to the proposed amendment.

## **Alternatives for Consideration – See Page 38**

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

Financial: N/A

Staffing: N/A

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

## **HISTORICAL BACKGROUND**

### **Report Fact Sheet**

<b>Application Details</b>	
Owner	NHDG (Waterdown) Inc. and Waterdown Bay Ltd.
Agent:	GSP Group c/o Sarah Knoll for NHDG (Waterdown) Inc.
File Numbers:	UHOPA-19-013 and ZAC-19-046
Type of Applications:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment
	<p>The applicant initially applied in June 2019 for Official Plan Amendment and Zoning By-law Amendment applications to:</p> <ul style="list-style-type: none"><li>• Amend the Waterdown South Secondary Plan Mixed – Use Medium Density and Staging of Development policies to reduce the amount of required retail and commercial space from not less than 3,600 sq m to not less than 1,200 sq m, permit accessory/associated residential uses on the ground floor and eliminate the retail and commercial development phasing requirements;</li><li>• Modify the Urban Commercial “UC-13” Zone to create a new definition of an apartment building, permit accessory/associated residential uses on the ground floor, allow a minimum of 1,200 sq m of retail and service commercial floor space, include all the “UC-13” Zone permitted land uses in the minimum retail and service commercial gross floor area calculation, establish a distribution of the minimum floor area and permit standalone residential uses; and,</li><li>• Amend the Holding Provision applied to the “UC-14(H)” Zone to eliminate the maximum Gross Leasable Floor Area provision.</li></ul>

	<p>Staff were not supportive and the applicant subsequently revised the applications in June 2020 to permit a minimum of 1,980 sq m of retail and service commercial space and requested that a recommendation be included in the staff report to allow the owner to apply for minor variances within two years of the passing of the Zoning by-law.</p> <p>Staff were not supportive of this recommendation and required the applicant to submit revised concept plans for 488 Dundas Street East and 39 Mallard Trail. The applicant submitted a revised concept plan for 39 Mallard Trail in November 2020 and a revised concept plan for 488 Dundas Street East in December 2020.</p> <p>As a result of comments provided by Transportation Planning staff in February 2021, the applicant revised the concept plans for 39 Mallard Trail and 488 Dundas Street to align the driveway accesses.</p> <p>The applicant provided a revised concept plan addressing staff concerns on March 23, 2021 and is the subject of this report. Accordingly, staff amended the application to include the following:</p> <ul style="list-style-type: none"><li>• Amend the Waterdown South Secondary Plan Mixed – Use Medium Density and Staging of Development policies to reduce the amount of required retail and commercial space from not less than 3,600 sq m to not less than 1,980 sq m, permit accessory/associated residential uses on the ground floor and eliminate the retail and commercial development phasing requirements.</li><li>• Modify the Urban Commercial “UC-13” Zone to create three blocks for 10, 30 and 40 Mallard Trail and 488 Dundas Street East which will:<ul style="list-style-type: none"><li>○ Create a new definition of an apartment building;</li><li>○ Permit accessory/associated residential uses on the ground floor;</li><li>○ Allow a minimum of 1,980 sq m of retail and service commercial floor space;</li></ul></li></ul>
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	<ul style="list-style-type: none"> <li>○ Include all the “UC-13” Zone permitted land uses in the minimum retail and service commercial gross floor area calculation;</li> <li>○ Establish a distribution of the minimum floor area;</li> <li>○ Facilitate the development of a 90 unit, six storey mixed use building with 306 sq m of ground floor commercial; and,</li> <li>○ Facilitate the development of seven unit, three storey mixed use building with 418 sq m of ground floor commercial; and,</li> <li>• Amend the Holding Provision applied to the “UC-14(H)” Zone to eliminate the maximum Gross Leasable Floor Area provision.</li> </ul>
<b>Property Details</b>	
Municipal Addresses:	10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road, Flamborough
Lot Area:	10 Mallard Trail: 0.27 ha (2,578.982 sq m) 39 Mallard Trail: 0.10 ha (1,093.5 sq m) 40 Mallard Trail: 0.13 ha (1,310 sq m) 488 Dundas Street East: 0.32 ha (3,236 sq m) 585 Skinner Road: 5.7 ha (57,759.5 sq m)
Servicing:	Existing full municipal services.
Existing Use – 10 Mallard Trail	Vacant – Final Site Plan approval was granted for three, 12 storey residential buildings, three, five storey residential buildings with a total of 730 residential units and a six storey mixed use building with 55 residential units and 753 sq m of commercial space (DA-17-106).
Existing Use – 40 Mallard Trail	Final Site Plan approval was granted for a two storey, 952 sq m commercial building (DA-17-101). Development has commenced on site.
Existing Use – 488 Dundas Street East	Vacant – Site Plan Control application was conditionally approved for a six storey mixed use building with 90 residential units and 981 sq m of commercial (DA-18-053). The application was extended to June 1, 2020 but has since

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	lapsed. The applicant intends to resubmit a site plan application once these applications are final and binding.
Existing Use – 39 Mallard Trail	Vacant – no active applications.
Existing Use – 585 Skinner Road	Vacant – Site Plan Control application was conditionally approved on June 2, 2021 for a new gas station with six fueling stations, car wash, accessory convenience store, a drive-through restaurant and 24 parking spaces (DA-21-011).
<b>Documents</b>	
Provincial Policy Statement (PPS)	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow (2019), as amended.
Official Plan Existing:	<p>10, 39, and 40 Mallard Trail and 488 Dundas Street East</p> <ul style="list-style-type: none"> <li>• “Neighbourhoods” on Schedule “E”– Urban Structure and “Mixed Use – Medium Density” Schedule “E-1”- Urban Land Use Designations; and,</li> <li>• Waterdown South Secondary Plan - “Mixed Use – Medium Density”.</li> </ul> <p>585 Skinner Road</p> <ul style="list-style-type: none"> <li>• “Neighbourhoods” on Schedule “E”– Urban Structure and “District Commercial” on Schedule “E-1”- Urban Land Use Designations; and,</li> <li>• Waterdown South Secondary Plan - “District Commercial”.</li> </ul>
Proposed Official Plan:	<p>The original Official Plan Amendment application was amended by increasing the minimum retail and service commercial floor space from 1,200 sq m to 1,980 sq m and removing the amendment to allow standalone residential uses.</p> <p>Commercial Designation</p> <ul style="list-style-type: none"> <li>• Elimination of the distribution and phasing of retail and service commercial space policy.</li> </ul>

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	<p>Mixed Use – Medium Density Designation</p> <ul style="list-style-type: none"> <li>Prohibit residential uses on the main floor of any building, not including accessory/associated uses such as fitness room, amenity area and access to residential uses above; and,</li> <li>Permit a minimum 1,980 sq m of retail and service commercial floor space.</li> </ul> <p>Staging of Development Policies</p> <ul style="list-style-type: none"> <li>Eliminate the retail and service commercial development phasing policies for the District Commercial and Mixed Use – Medium Density designations.</li> </ul>
Zoning Existing:	<p>10, 39, and 40 Mallard Trail and 488 Dundas Street East</p> <ul style="list-style-type: none"> <li>Urban Commercial “UC-13” Zone</li> </ul> <p>585 Skinner Road</p> <ul style="list-style-type: none"> <li>Urban Commercial “UC-14(H)” Zone</li> </ul>
Modifications Proposed:	<p>10 and 40 Mallard Trail (Block 1, see Appendix “A” to Report PED20188)</p> <ul style="list-style-type: none"> <li>Permit a minimum of 1,256 sq m of retail and service commercial floor space;</li> <li>Permit accessory/associated residential uses on the ground floor;</li> <li>Include all the “UC-13” Zone permitted land uses in the minimum retail and service commercial gross floor area calculation;</li> <li>Establish a distribution of the minimum floor area for 10 and 40 Mallard Trail;</li> <li>Remove the term Gross Leasable Floor Area and replace it with Gross Floor Area; and,</li> <li>Commercial uses at grade are exempted from the parking calculation.</li> </ul> <p>488 Dundas Street East (Block 2a, see Appendix “A” to Report PED20188)</p> <ul style="list-style-type: none"> <li>Include all the Urban Commercial “UC” Zone permitted land uses in the minimum retail and service commercial gross floor area calculation;</li> </ul>



	<ul style="list-style-type: none"><li>• Permit accessory/associated residential uses on the ground floor;</li><li>• Barrier free parking spaces shall be designated and provided as part of the required parking spaces in accordance with the following requirements: 1.25 parking space, including visitor parking spaces, shall be provided per unit and may be provided across zone limits;</li><li>• One loading space, which shall also be permitted to be used for waste collection, shall be provided for all buildings in this development across zone limits;</li><li>• Permit a minimum gross floor area of 46 sq m for bachelor and one bedroom dwelling units and a minimum gross floor area of 63 sq m for two or more bedroom dwelling units;</li><li>• Parking spaces shall be permitted in a yard abutting a street;</li><li>• Permit a minimum driveway width of 6.0 m for two way vehicular movement;</li><li>• Permit an enclosed parking structure below grade or less than 1.2 m above grade with a minimum of 0.7 m from each lot line except 0.0 m from the lot line at the hypotenuse of the daylight triangle at the corner of Dundas Street East and Mallard Trail;</li><li>• All parking spaces and access for this development shall be permitted to be used by all uses proposed for this development and shall be provided in all zones;</li><li>• Regulations of Section 5.16.2 "Lots with More than One Zone" shall not apply;</li><li>• Section 5.20 (d) of Flamborough Zoning By-law No. 90-145-Z shall not apply;</li><li>• Permit a maximum Exterior Side Yard of 1.0 m except to the Valley Trail Place exterior side lot line and to the exterior side lot line at the hypotenuse of the daylight triangle at the corner of Valley Trail Place and Mallard Trail;</li><li>• Permit a minimum of 306 sq m of retail and service commercial floor space;</li><li>• Remove the term Gross Leasable Floor Area and replace it with Gross Floor Area; and,</li><li>• Commercial uses at grade are exempted from the parking calculation.</li></ul>
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	<p>39 Mallard Trail (Block 2b, see Appendix “A” to Report PED20188)</p> <ul style="list-style-type: none"> <li>• Include all the Urban Commercial “UC” Zone permitted land uses in the minimum retail and service commercial gross floor area calculation;</li> <li>• Create a new definition of an apartment building;</li> <li>• Permit accessory/associated residential uses on the ground floor;</li> <li>• Planting Strip – General Provisions Section 5.12.2(a) shall not apply;</li> <li>• Parking spaces shall be permitted in a yard abutting a street;</li> <li>• Permit a minimum driveway width of 6.0 m for two way vehicular movement;</li> <li>• Loading space will also be used for waste collection;</li> <li>• A planting strip shall not be required between Mallard Trail and the parking spaces;</li> <li>• A transformer shall be permitted within a planting strip;</li> <li>• Permit a maximum interior side yard of 3.5 m except for the side yard related to the common wall of a Live-Work Unit, in which case a minimum side yard of 0.0 m shall be provided;</li> <li>• Permit a minimum of 418 sq m of retail and service commercial floor space;</li> <li>• Remove the term Gross Leasable Floor Area and replace it with Gross Floor Area; and,</li> <li>• Commercial uses at grade are exempted from the parking calculation.</li> </ul> <p>585 Skinner Road (Block 3, see Appendix “A” to Report PED20188).</p> <ul style="list-style-type: none"> <li>• Amend the Holding Provision by eliminating the maximum Gross Leasable Floor Area provision applied to Block 10.</li> </ul>
<b>Processing Details</b>	
Received:	June 24, 2019
Deemed Complete:	June 26, 2019

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Notice of Complete Application:	Notice sent to 22 property owners within 120 m of the subject property on July 10, 2019.
Public Notice Sign:	Posted on the property July 18, 2019. Updated with Public Meeting date: June 9, 2021.
Notice of Public Meeting:	Sent to 145 property owners within 120m of the subject property on June 18, 2021.
Public Consultation:	The applicant has posted a sign on the property with relevant information related to the purpose and intent of the requested changes to the Urban Hamilton Official Plan and Zoning By-law on the subject lands and prepared a presentation for the statutory public meeting.
Public Comments:	To date, no correspondence has been received for the applications.
Processing Time:	743 days from receipt of Official Plan Amendment and Zoning By-law Amendment.

**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b> 10 Mallard Trail (Block 1), 40 Mallard Trail (Block 1), 488 Dundas Street East (Block 2a) and 39 Mallard Trail (Block 2b)	Vacant	Urban Commercial "UC-13" Zone
<b>Subject Lands:</b> 585 Skinner Road (Block 3)	Vacant	Conservation Management "CM-6" Zone and Urban Commercial "UC-14- (H)" Zone

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**Surrounding Land Uses:**

10 Mallard Trail (Block 1),  
40 Mallard Trail (Block 1),  
488 Dundas Street East  
(Block 2a) and 39 Mallard  
Trail (Block 2b)

**North:**

Gas station and proposed  
townhouse units

Mixed Use – Medium  
Density (C5) Zone and  
Medium Density  
Residential “R6-32”  
Zone, Modified.

Mixed Use – Medium  
Density (C5) Zone,  
Mixed Use – Medium  
Density (C5, 584) Zone  
and Medium Density  
Residential “R6-42”  
Zone

**East:**

Conservation hazard lands

Conservation/Hazard  
Lands – Rural (P5)  
Zone

**South:**

Future multiple dwelling and  
future townhouse units

Urban Commercial “UC-  
12” Zone and Medium  
Density Residential “R6-  
32” Zone

**West:**

Commercial plaza and  
townhouse units

Mixed Use – Medium  
Density (C5) Zone,  
Mixed Use – Medium  
Density (C5, 584) Zone  
and Medium Density  
Residential “R6-42”  
Zone

**Surrounding Land Uses:**

585 Skinner Road (Block 3)

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<b>North:</b>	Agricultural uses	Agricultural “A” Zone
<b>East:</b>	Future Single Detached Dwellings and Medium Density Block	Urban Residential (Single Detached) “R1-64” Zone and Medium Density Residential “R6-30” Zone
<b>South:</b>	Conservation Hazard Lands and Future Single Detached Dwellings	Conservation / Hazard Lands – Rural (P5) Zone and Urban Residential (Single Detached) “R1-64” Zone
<b>West:</b>	Agricultural uses	Rural (A2) Zone

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020)**

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposed development.

“1.1.1 Healthy, liveable and safe communities are sustained by:

- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration should be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

- 1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs”.

The subject lands are located within the Urban Boundary and a settlement area. Some of the properties have been vacant for some time while one is subject to a building permit for a two storey, 952 sq m commercial building. The proposed amendments will contribute to the mix of land uses in the area by providing access to a range of employment opportunities and local commercial needs for the surrounding neighbourhood. Future development in the area will efficiently use land and existing infrastructure.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement (2020).

### **A Place to Grow Plan (2019) as amended**

The Growth Plan directs the majority of growth to settlement areas that have access to municipal water and wastewater systems and can support the achievement of complete communities. The following policies, amongst others, apply to the proposal.

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a) the vast majority of growth will be directed to *settlement areas* that:
    - i. have a *delineated built boundary*;

- ii. have existing or planned *municipal water and wastewater systems*; and,
- iii. can support the achievement of *complete communities*;
- c) within *settlement areas*, growth will be focused in:
  - i. delineated built-up areas;
  - ii. strategic growth areas;
  - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
  - iv. areas with existing or planned public service facilities;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;

The subject lands are located within the urban boundary and are fully serviced by municipal water and wastewater infrastructure. The proposal will facilitate the future development of a mixed use retail main street with local stores and services primarily on the ground floor with office and residential uses above. The subject lands are located adjacent to Dundas Street East and will have access to the existing and planned transit in the area.

Based on the foregoing, the proposal conforms to the policies of A Place to Grow Plan (2019), as amended.

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Mixed Use – Medium Density” and “District Commercial” on Schedule “E-1” – Urban Land Use Designations. The subject lands are further designated “Mixed Use – Medium Density” and “District Commercial”, on Map B.2.2-1 – Waterdown South Secondary Plan Land Use Plan. The following policies, amongst others, apply to the proposal.

#### Neighbourhoods Designation

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents;
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports;
  - c) local *community facilities/services*; and,
  - d) local commercial uses.

#### Mixed Use – Medium Density

- E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- E.4.6.2 The Mixed Use - Medium Density designation shall be applied to traditional ‘main street’ commercial areas outside of the area designated Downtown Mixed Use, and to promote the continuation of these areas as pedestrian oriented mixed use areas. Retail and service commercial uses are key elements in maintaining that function and ensuring the continued vibrancy of the pedestrian realm.
- E.4.6.2 The following uses shall be permitted on lands designated Mixed Use - Medium Density on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities; (OPA 64)
  - f) *multiple dwellings*.



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- E.4.6.15 Although residential development is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.”

Four of the five properties included in this application are located to the south of the intersection of Dundas Street East and Mallard Trail and are designated Mixed Use – Medium Density. They are intended to be developed as a mixed use area, in a traditional “main street” design fronting Mallard Trail and will serve as a focus for the community. The proposal will provide residential units in the form of a multiple dwelling and a range of local retail and service commercial uses intended to serve the surrounding community on the ground level.

District Commercial

- “E.4.7.1 The range of retail uses are intended to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods. The District Commercial areas shall also serve as a focus for the adjacent neighbourhood(s) by creating a sense of place.
- E.4.6.1 The range of commercial uses is intended to serve the surrounding community or series of neighbourhoods as well as provide day-to-day retail facilities and services to residents in the immediate area. These areas shall also serve as a focus for the community, creating a sense of place.
- E.4.7.2 The following uses shall be permitted on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:
- a) commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;
  - b) medical clinics and offices provided they are located above the first storey; (OPA 64)
  - c) residential uses provided they are located above the first storey of a mixed use building; and,
  - d) accessory uses.”

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The property at 585 Skinner Road is the sole property in this application designated District Commercial to be developed as a future commercial block providing a range of commercial and retail uses and services to residents in the immediate area, in accordance with the District Commercial policies of the UHOP.

### **Waterdown South Secondary Plan**

Four of the five subject properties (10, 39, and 40 Mallard Trail and 488 Dundas Street East) are designated “Mixed Use – Medium Density” on Map B.4.3 -1 – Waterdown South Secondary Plan. The fifth property at 585 Skinner Road is designated “District Commercial” The following policies, amongst others, apply.

#### **Commercial**

“B.4.3.2.2 d) Limit the amount and scale of new retail development to ensure that it complements and does not impact the planned function of established commercial areas, including Downtown Waterdown.”

Downtown Waterdown is located along Dundas Street East and bounded by Parkside Drive to the north, Grindstone Creek to the east, Barton Street to the south and Goldenview Court to the west. The subject lands are located approximately 1.5 km from Downtown Waterdown. According to the Commercial Needs Assessment, submitted in support of the applications, prepared by Tate Economics, dated May 17, 2019, there is approximately 45,829 sq m of retail and service commercial space in Downtown Waterdown, with 3,892 sq m of vacant space representing an 8.5% vacancy rate.

Downtown Waterdown has a traditional retail main street located on Dundas Street East from Mill Street to Hamilton Street and several commercial plazas located on Hamilton Street North from Dundas Street East to Parkside Drive. These areas provide for retail and service commercial needs serving the immediate and surrounding community.

The Waterdown South Secondary Plan permits not less than 3,600 sq m of retail and commercial space for the Mixed Use – Medium Density Designation and a maximum of 16,000 sq m for the District Commercial designation, provided that the total retail and service and commercial floor space within the District Commercial and Mixed Use – Medium Density designations combined do not exceed 25,000 sq m. Therefore, lands that are designated Mixed-Use Medium Density within the Waterdown South Secondary Plan have the potential to permit a maximum of 9,000 sq m of commercial uses.

10, 39, and 40 Mallard Trail and 488 Dundas Street East are to be developed as a retail main street that provides local commercial uses to the surrounding neighbourhood.

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Reducing the amount of retail and service commercial uses in this area would support the viability of existing commercial uses in Downtown Waterdown by reducing retail competition. This will allow the two retail main streets of Waterdown to develop complimentary and independently from one another without overlapping commercial uses.

As the intent of policy B.4.3.2.2 d) is to ensure that new commercial development does not compete or conflict with the established commercial core of Downtown Waterdown, reducing the retail and commercial uses for the subject land would help achieve this goal. Therefore, the proposal complies with the above policy.

**Mixed Use – Medium Density**

“B.4.3.4.3 In addition to Section E.4.6 – Mixed Use – Medium Density Designation of Volume 1, the following policies shall apply to all lands designated Mixed Use – Medium Density on Map B.4.3-1 - Waterdown South – Land Use Plan:

- a) The Mixed Use - Medium Density designation is intended to function as a mixed use area consisting of mid-rise residential buildings and at grade commercial uses serving the adjacent neighbourhoods.
- b) The Mixed Use Medium Density designation is intended to accommodate a range of residential, commercial, institutional, and service uses. Such designated area may be developed primarily for residential use or primarily for commercial use in the initial stage, but it is envisioned that over time the area shall evolve into a truly mixed use area with residential and commercial uses mixed, either within the same building, or in certain locations within separate buildings on the same or abutting lots.
- c) Notwithstanding the uses permitted in Policy E.4.6.5 of Volume 1, the following uses shall be permitted:
  - i) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices oriented to servicing residents personal services, financial establishments, live-work units, artist studios, restaurants, and gas bars;
  - v) *multiple dwellings;*”

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The future and planned development for 10, 39, and 40 Mallard Trail and 488 Dundas Street East will consist of a “retail main street” oriented towards Mallard Trail. This area will provide mixed use buildings, with retail and service commercial uses primarily on the ground floor and residential and office uses above. Based on the foregoing, the proposal complies with the above policies.

#### Scale and Location

“B.4.3.4.3 g) Total retail and service commercial floor space within the Mixed Use - Medium Density designation shall not be less than 3,600 square meters, and the maximum floor area shall be no greater than that permitted in Section B.4.3.4.2 less the total floor area constructed within the District Commercial Designation. The minimum floor area above shall be constructed along and oriented to Collector Road A.”

The Waterdown South Secondary Plan was approved by Council on September 15<sup>th</sup>, 2010 and appealed to the Ontario Municipal Board (now the Ontario Land Tribunal). As part of the settlement negotiations, the subject lands located at 10, 39, and 40 Mallard Trail and 488 Dundas Street East were re-designated from District Commercial to Mixed Use – Medium Density. The original Waterdown South District Commercial designation envisioned a retail main street function to be located on Mallard Trail. To ensure that the proposed Mixed Use retail main street could maintain a critical mass and sustain itself, a new policy was included that required a minimum of 3,600 sq m of retail and commercial floor space to be built for the subject lands and a total retail and service commercial floor space within the Mixed Use – Medium Density and District Commercial Designations to not exceed 25,000 sq m.

The original Official Plan Amendment and Zoning By-law Amendment applications proposed a minimum of 1,200 sq m of retail and service commercial floor space for 10, 39, and 40 Mallard Trail and 488 Dundas Street East. Staff amended the applications to reduce the required total retail and service commercial floor space within the Mixed Use – Medium Density designation to 1,980 sq m. A Commercial Needs Assessment was required as part of the Official Plan Amendment and Zoning By-law Amendment applications. The purpose of the Commercial Needs Assessment was to evaluate the current official plan policy and zoning regulations as they relate to retail and service commercial development on site and determine if the minimum size cap of 3,600 sq m is appropriate. The Commercial Needs Assessment prepared by Tate Economics, dated May 17, 2019 was peer reviewed by Watson & Associated Economists Ltd. The Assessment evaluated the following:

- Retail and development trends;

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- Site and access characteristics;
- Existing and proposed commercial uses;
- Retail service levels in the community; and,
- Appropriateness of the retail and service commercial permissions on site.

The key conclusions of the Commercial Needs Assessment prepared by Tate Economics, dated May 17, 2019 are:

- National commercial trends and key disruptors (e-commerce) are reducing the need for ground-oriented retail uses and retail growth is becoming more concentrated in specific retail categories (e.g. health and wellness, food and beverage). As a result, it should be recognized that the need for retail space relative to population growth is declining.
- Mixed-use developments require key retail categories (e.g. restaurants and services) to achieve an active urban environment. The current permissions for the subject site need to be aligned to accommodate more service commercial uses.
- It is difficult to attract a broad range of retail tenants for units above street level. Often commercial units in mixed-use developments above street level accommodate office uses.
- Frontage and visibility are critical for commercial uses within a mixed-use development. The Waterdown South Secondary Plan requires commercial uses to front onto Mallard Trail, a collector road, and portions of the subject site have poor visibility from Dundas Street. This can create challenges in providing full blocks of retail and commercial uses at the four quadrants of the subject site area.
- The amount of retail space required in a mixed-use area depends on the accessibility of the site to attract customers, including pedestrian pathways, access to public transportation and accommodating motorists. The subject site and area have some challenges in attracting customers from beyond the area due to public transportation and parking levels.
- The commercial structure of Waterdown accommodates the existing and future residents of the Waterdown South Secondary Plan with a wide range of commercial needs, albeit by driving or walking outside the Waterdown South Secondary Plan to retail sites on Dundas Street.
- Downtown Waterdown includes independent and small unique chain retail and services that may overlap and compete with the “Main Street” type of commercial uses at the subject site. Due to the proximity of downtown Waterdown from the subject site (1.5 kilometres to the west of the subject site) and the relatively limited local population of Waterdown (population base), the City needs to ensure that the

developing communities within Waterdown are supporting the viability of the downtown (i.e. the downtown is benefiting from the growth potential of developing communities within Waterdown).

The Commercial Needs Assessment was peer reviewed by Watson & Associates Ltd. who generally agreed with the conclusions of the Tate Report to support the proposed adjustment to the retail and service commercial minimum requirement. However, they identified three key issues to be addressed by the applicant:

- The report does not explain how it was determined that 1,200 sq m is an appropriate floor space threshold for retail and service commercial uses for the subject site;
- The report does not explain how the minimum retail and service commercial floor space reduction proposed (represents approximately one-third of the planned retail and service commercial uses) will still enable the critical mass of retail space necessary to create a Main Street shopping area environment as envisioned in the Waterdown South Secondary Plan; and,
- It would be helpful to understand how the proposed minimum of retail and commercial uses would encourage pedestrian activity within the Waterdown South Secondary Plan relative to other greenfield areas of the City (e.g. retail space within walking distance relative to population).

The Applicant submitted a response letter dated December 17, 2019 to address these comments. Watson & Associates Ltd. concluded that the response letter addressed their concerns.

The Commercial Needs Assessment concluded that Waterdown has an adequate supply of retail and service commercial uses and acknowledges that the need for commercial space is declining. The Assessment supports the recommendation to reduce the minimum retail and service commercial requirement to 1,200 sq m and recognizes the importance of frontage and visibility for commercial uses on arterial roads.

Though the Assessment identified a minimum commercial area of 1,200 sq m, staff were not supportive of the proposed amendments as they did not achieve the retail main street function envisioned for Mallard Trail. The original application proposed a minimum of 1,200 sq m of retail and service commercial uses for the northwest and southwest properties (10 and 40 Mallard Trail), while the northeast and southeast properties (488 Dundas Street East and 39 Mallard Trail) would be developed as standalone residential buildings. Staff reviewed the population projections for the Waterdown South Secondary Plan area and the proposed/existing commercial uses in

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Waterdown to determine the appropriate amount of commercial space for the subject lands. The results of this analysis determined that a minimum of 2,000 sq m would be sufficient for the area and represent an appropriate decrease from the required 3,600 sq m of retail and service commercial space. Through negotiations, staff worked with the applicant to provide a minimum of 1,980 sq m of retail and service commercial space divided amongst 10, 39, and 40 Mallard Trail and 488 Dundas Street East. The Applicant is supportive of the Official Plan Amendment.

The Assessment also recommends that key retail and service categories such as restaurants, day cares and fitness centres need to be permitted in order for the site to be successful. Currently, not all of the permitted uses of the Urban Commercial “UC-13” Zone count towards the minimum floor space calculation. These include, but are not limited to, restaurant, tavern, day nursery and offices. Staff agree with this recommendation and have implemented this change through the amending Zoning By-law, attached as Appendix “C” to Report PED20188.

Therefore, based on the conclusions of the Commercial Needs Assessment and peer review, staff support the recommendation to reduce the minimum retail and service commercial requirement to 1,980 sq m and provide additional service and commercial uses for the area.

#### Design

“B.4.3.4.3 j) The following polices shall apply to buildings and lands located adjacent to Collector Road A:

- i) Retail space and buildings shall be oriented in a 'retail main street' configuration with storefronts located close to the street and principal entrances facing the sidewalk to create a pleasant pedestrian shopping environment.
- ii) The principal public entrance shall face the street and provide direct access onto the public sidewalk. The windows and signage shall also face the street.
- iii) Buildings should have a consistent minimal setback in accordance with the Waterdown South Secondary Plan Urban Design Guidelines required in Section 4.3.10.
- iv) The implementing Zoning By-law shall establish a minimum requirement for 3,600 sq m of retail and service commercial space to be provided along the 'retail main street' area.

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- v) No parking, driveways, lanes or aisles shall be permitted between buildings and the public sidewalk.
- vi) The built form may include stand-alone stores, multiple unit commercial buildings, or mixed use buildings with commercial uses on the ground floor adjacent to the street and residential or office uses above or behind.
- vii) The Waterdown South Secondary Plan Urban Design Guidelines, as required in Section B.4.3.10 shall provide more detailed direction and demonstrate how the 'retail main street' and pedestrian character of the street shall be developed, and Policies B.4.3.4.3 j i) through vi) inclusive shall be implemented."

10, 39, and 40 Mallard Trail and 488 Dundas Street East are intended to be developed as a "retail main street" with retail space and buildings oriented towards Mallard Trail. A Concept Plan and was submitted for the four properties located at the intersection of Dundas Street East and Mallard Trail (see Appendix "F" to Report PED20188).

The four developments located at 10, 39, and 40 Mallard Trail and 488 Dundas Street East are consistent with the design policies of the Mixed Use – Medium Density designation based on the following:

- The retail space is oriented in a "retail main street" configuration towards Mallard Trail with storefronts located close to the street and principal entrances facing the sidewalk;
- The principal commercial entrance, windows and signage face onto Mallard Trail;
- The buildings have a consistent minimal setback and similar site layout to provide a uniform, cohesive development;
- The implementing Zoning By-law is being amended through these applications to permit a minimum of 1,980 sq m of retail and service commercial space along the "retail main street". If approved, the retail and service commercial space will be distributed between all four corners;
- There are no parking spaces, driveways, lanes or aisles located between the buildings and the public sidewalk; and,



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- The built form of the area consists primarily of mixed use buildings with retail and commercial uses on the main floor and residential uses above. 40 Mallard Trail is a two storey standalone commercial building with multiple tenants.

Implementation Policies – Staging of Development

“B.4.3.14.4 b) In addition to Section F.3.6 - Staging of Development of Volume 1, and the City's Staging of Development Program, the following policies shall guide the staging of development within the Waterdown South Secondary Plan area:

- b) Retail and service commercial development shall be phased in the District Commercial and Mixed Use - Medium Density designations so that:
  - I. A first phase shall consist of no more than 9,300 sq m of retail and commercial floor space within the District Commercial designation which shall be comprised of a supermarket of not more than 7,500 sq m and other permitted retail and service commercial space to a maximum of 1,800 sq m;
  - II. A second phase shall consist of full build out of both sides of Collector Road A having a minimum of 3,600 sq m of retail and service commercial floor space within the "retail main street" component of the Mixed Use Medium Density designation; and
  - III. A third phase shall consist of build out of the District Commercial designation to a maximum of 16,000 sq m of retail and service commercial floor space; and build out of the Mixed Use – Medium Density designation to a total maximum of 25,000 sq m of retail and service commercial floor space between the two designations.”

The Waterdown South Secondary Plan intended the Mixed Use – Medium Density and District Commercial designations to be developed in three phases. Phase 1 was to consist of no more than 9,300 sq m of retail and service commercial floor space including a 7,500 sq m supermarket and 1,800 sq m of other permitted retail and service commercial space. Phase 2 was to develop the properties located at 10, 39, and 40 Mallard Trail and 488 Dundas Street East as a “retail main street” with a minimum of

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3,600 sq m of retail and service commercial uses fronting Mallard Trail. The final phase permitted the full build out of the District Commercial designation to a maximum of 16,000 sq m.

The Waterdown South Secondary Plan was appealed to the Ontario Municipal Board (now the Ontario Land Tribunal) in September 2010. As part of the settlement negotiations, these implementation policies were introduced to control the phasing of the commercial development in the Waterdown South Secondary Plan to ensure that the Mixed Use “retail main street” (Mallard Trail) was not compromised by the development of the District Commercial block located further east. The phasing would require the development of a supermarket in the District Commercial block and then the full build out of the retail main street. Once the retail main street provided a minimum 3,600 sq m of commercial space, the remainder of the District Commercial block could be developed. These phasing requirements were also included as part of the implementing Zoning By-law and placed a Holding Provision on the District Commercial block prohibiting the full development of the property until the retail main street was developed. This Holding Provision was upheld by OMB decision PL061186.

Staff support removing the implementation policies applicable to the District Commercial and Mixed Use – Medium Density designations. The Waterdown South area has not developed in accordance with retail and service commercial phasing policies of the UHOP. The Urban Commercial “UC-13” Zone permissions are not consistent with the phasing policies of the Waterdown South Secondary Plan. The Holding Provision was placed on the Urban Commercial “UC-14(H)” Zone property (585 Skinner Road) and not the Urban Commercial “UC-13” Zone properties (10, 39, and 40 Mallard Trail and 488 Dundas Street East). Therefore, the developments of 10, 39, and 40 Mallard Trail and 488 Dundas Street East have proceeded ahead of 585 Skinner Road as there were no development restrictions placed on these properties.

Staff recently received a Site Plan Control application (DA-21-011) for 585 Skinner Road (the District Commercial block), which has had development rights since the OMB Decision PL061186 was issued on April 24, 2014. There has been no demonstrated need or interest for this area to develop by the owner until April 2021. However, there has been a demonstrated need/interest for the Mixed-Use Medium Density properties (10, 39, and 40 Mallard Trail and 488 Dundas Street East) to develop since April 2017. This is a unique area that will develop into a retail main street to serve the Waterdown South community. Staff are supportive of the development of 10, 39, and 40 Mallard Trail and 488 Dundas Street East as they complete the Secondary Plan vision of a retail main street along Mallard Trail and demonstrate a need for development in this area.

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The five subject properties are under different ownership. The implementation policies of the Waterdown South Secondary Plan should not impede the development rights of the individual property owners. As such, staff feel that it is appropriate to remove these policies. Staff will also be recommending that the associated Holding Provision be removed from the District Commercial block for the same reasons.

District Commercial

“B.4.3.4.4 Notwithstanding the policies of E.4.7.2 through E.4.7.16 – District Commercial Designation of Volume 1, the following policies shall apply to all lands designated District Commercial on Map B.4.3-1 – Waterdown South – Land Use Plan:

- a) The District Commercial designation is intended to accommodate a range of retail and service commercial uses intended to serve a neighbourhood shopping function which meets the weekly and day-to-day retail and service commercial needs of residents in the secondary plan area and adjacent neighbourhoods.
- b) The following uses shall be permitted:
  - i) commercial uses including retail stores and supermarkets except that a single user over 10,000 square metres shall not be permitted, personal service and restaurants, gas bars, car washes and motor vehicle service stations;
  - ii) offices;
  - iii) live-work units and residential uses above commercial units;
  - iv) places of worship, day care centres, libraries, fire and police stations, post offices, recreational facilities, community centres, meeting spaces and similar uses; and,
  - v) accessory uses.”

The applications for an Official Plan Amendment and Zoning By-law Amendment are not proposing any changes to the District Commercial policies of the Waterdown South Secondary Plan. 585 Skinner Road will be developed in accordance with the District Commercial policies of Volume 1, of the UHOP and the District Commercial Designation policies of the Waterdown South Secondary Plan.

### **Town of Flamborough Zoning By-law No. 90-145-Z**

10, 39, and 40 Mallard Trail and 488 Dundas Street East are zoned Urban Commercial “UC-13” Zone in the Town of Flamborough Zoning By-law No. 90-145-Z, as shown on Appendix “A” to Report PED20188. The Urban Commercial “UC-13” Zone permits the uses of the parent Urban Commercial “UC” Zone, including a provision for live work units. The “UC-13” Zone also requires a minimum of 3,600 sq m of retail and service commercial space combined for all four properties.

To implement the proposed development, the applicant has applied to further modify the Urban Commercial “UC-13” Zone. The modifications to the Zoning By-law are discussed in detail in Appendix “E” to Report PED20188.

585 Skinner Road is zoned Urban Commercial “UC-14(H)” Zone in the Town of Flamborough Zoning By-law No. 90-145-Z, as shown on Appendix “A” to Report PED20188. The Urban Commercial “UC-14(H)” Zone permits the uses of the parent Urban Commercial “UC” Zone and includes the following additional uses: Automobile Service Station, Gas Bar, Car Wash accessory to the Automobile Service Station and Gas Bar and a Live-Work Unit.

The Urban Commercial “UC-14(H)” Zone is subject to a Holding Provision that cannot be lifted until the build out of a minimum of 3,600 sq m of retail and service commercial floor space within the lands zoned “UC-13” Zone (10, 39, and 40 Mallard Trail and 488 Dundas Street East). There is an additional Holding Provision that cannot be removed until the realignment of the GS1- Tributary 3, and an easement in favour of the City of Hamilton is granted over the creek to ensure public control to the satisfaction of Conservation Halton and Growth Management.

The Zoning By-law Amendment proposes to amend the Urban Commercial “UC-14(H)” Zone Holding Provision by removing the commercial and retail provisions. The Holding Provision will not be lifted from the property as the karst and stormwater management provisions are still applicable.

### **RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
• Alectra Utilities;	No Comment	

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<ul style="list-style-type: none"> <li>• Hydro One Networks Inc.;</li> <li>• Cogeco;</li> <li>• Landscape Architectural Services, Public Works Department;</li> <li>• Parks and Cemeteries, Public Works Department;</li> <li>• Recycling &amp; Waste Disposal, Operations Division, Public Works Department;</li> <li>• Hamilton Fire Department; and,</li> <li>• Recreation, Healthy and Safe Communities Department.</li> </ul>		
Forestry and Horticulture Section, Public Works Department	<ul style="list-style-type: none"> <li>• Have advised that there are no municipal tree assets on site, therefore a Tree Management Plan will not be required.</li> <li>• A Landscape Plan prepared by a Registered Landscape Architect is required, showing the placement of trees on City and private property.</li> </ul>	<ul style="list-style-type: none"> <li>• A Landscape Plan will be required as a condition of approval at the Site Plan Control stage.</li> </ul>
Engineering Approvals	<ul style="list-style-type: none"> <li>• Reviewed the applications and have no concerns with the Official Plan Amendment.</li> <li>• Hamilton Water has advised that they have</li> </ul>	<ul style="list-style-type: none"> <li>• Through the review of the applications it was determined that a Holding Provision would no longer be required for Block 86 (585 Skinner Road) as the</li> </ul>

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	<p>no concerns for the approval of the proposal with respect to water and sewer servicing for 10 Mallard Trail, 40 Mallard Trail, 488 Dundas Street East and 39 Mallard Trail. However, approval of site plan control applications may require conditions related to timing of completion of increased capacity upgrades at the First Street sanitary pumping station.</p> <ul style="list-style-type: none"> <li>Development Approvals has advised that they have concerns with the large commercial Block 86 on Plan 25T-200513 and recommend a Holding Provision until such time as supporting documentation i.e. concept plan, compliance with Form 1 approval and a brief to address any sanitary capacity issues driven by the proposed change, have all been received to the satisfaction of the Senior Director of Growth Management.</li> </ul>	<p>servicing requirements are being addressed through the Waterdown Bay Subdivision conditions.</p> <ul style="list-style-type: none"> <li>Site Plan Control application DA-21-011 for 585 Skinner Road has included a special condition which requires the Owner/Applicant to enter into a Development Agreement should they decide to seek Building Permit issuance in advance of the completion of the Pumping Station upgrades.</li> </ul>
Transportation Planning, Planning and Economic Department.	<ul style="list-style-type: none"> <li>Transportation Planning staff have reviewed the applications and have no objection to the</li> </ul>	<ul style="list-style-type: none"> <li>The proposed driveway accesses for 10 Mallard Trail and 40 Mallard</li> </ul>

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	<p>application for an Official Plan Amendment and Zoning By-law Amendment.</p> <ul style="list-style-type: none"> <li>• Transportation Planning staff will require the following revisions at the Site Plan stage: <ul style="list-style-type: none"> <li>○ The proposed driveway access from 10 Mallard Trail is to align with the approved driveway centerline at 40 Mallard Trail.</li> <li>○ The proposed driveway access from 39 Mallard Trail is to align with the conditionally approved driveway centerline of 488 Dundas Street East access for safety and to avoid offset driveways.</li> <li>○ 5.0 m x 5.0m visibility triangles for each driveway access.</li> <li>○ 6 m driveway throat length from the road.</li> <li>○ The first 7.5 metres of the driveway from the property line shall be maximum 5% grade and thereafter, shall be within maximum 10% grade.</li> <li>○ Provide a 7.5 m wide driveway access at</li> </ul> </li> </ul>	<p>Trail are aligned at the driveway centerline.</p> <ul style="list-style-type: none"> <li>• Staff will ensure that the driveway accesses for 488 Dundas Street East and 39 Mallard Trail are aligned at the driveway centerline at the Site Plan Control stage.</li> <li>• The remainder of revisions required by Transportation Planning were addressed as redlines through the Site Plan Control applications.</li> </ul>
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	the property line mand a 6 m internal road width.	
Transit Division, Public Works Department	<ul style="list-style-type: none"> <li>Transit staff have advised that Mallard Trail is being considered for future local transit.</li> <li>Further, if any of the main entrances are not connected with sidewalks it is our preference to have them connected in future submissions to facilitate direct pedestrian access to the transit network.</li> </ul>	<ul style="list-style-type: none"> <li>Staff note that all main entrances for development fronting onto Mallard Trail are proposed to be connected by sidewalks.</li> </ul>
NEC	<ul style="list-style-type: none"> <li>Have advised that the subject lands are designated as Urban Area by the NEP and are outside of NEC Development Control.</li> <li>Through the review of the Mixed – Use Medium Density policies of the Waterdown South Secondary Plan it was determined that the proposed height would not trigger a Visual Impact Assessment as per Policy B.4.3.4.3 h).</li> </ul>	Noted.
Conservation Halton	<ul style="list-style-type: none"> <li>Conservation Halton staff advise that 585 Skinner Road is traversed by the GS1-B3 branch of Grindstone Creek and contains springs and</li> </ul>	<ul style="list-style-type: none"> <li>The karst and stormwater management Holding Provisions for 585 Skinner Road will not be amended through these applications.</li> </ul>



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	<p>sinkholes (karst). The watercourse is to be realigned alongside Dundas Street East and the sink holes are to be grouted through CH permits currently under review (CH Files A/18/H/02, A/18/H/04 and A/18/H/05). Development cannot proceed until all regulatory matters are addressed to the satisfaction of Conservation Halton such that the regulated area is removed from the site.</p> <ul style="list-style-type: none"> <li>Conservation Halton staff have reviewed the applications and have no objection to the proposal, provided all other Holding Provisions not discussed in these applications remain applicable (i.e. relating to regulated lands and stormwater management); and that it is noted that development on Parcel 5 (585 Skinner Road) cannot proceed until regulated features and hazards are removed from the site.</li> </ul>	<ul style="list-style-type: none"> <li>These Holding Provisions will remain in effect and cannot be lifted until Conservation Halton has reviewed and approved all required material through a future Zoning By-law Amendment application (Holding Removal).</li> <li>Staff acknowledge that 585 Skinner Road cannot develop until all applicable conditions through the Holding Provision have been addressed and a future Site Plan Control application has been approved.</li> </ul>
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<b>Public Consultation</b>		
	Comment	Staff Response
	To date, staff have not received any public submissions through this circulation.	

### **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 22 property owners within 120 m of the subject property on July 10, 2019.

A Public Notice Sign was posted on the property on July 18, 2019 and updated on June 9, 2021 with the Public Meeting date. A Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* June 18, 2021.

### **Public Consultation Strategy**

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which focused on following the City's notification and circulation process and preparing a presentation for the statutory public meeting. Property owners and residents within 120 metres of the subject lands received the Official Plan Amendment and Zoning By-law Amendment circulation on July 10, 2019. To date, no correspondence has been received.

### **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 (2020) and conforms to A Place to Grow Plan (2019);
  - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan, subject to the recommended Official Plan Amendment;
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,

- (iv) The proposed development represents good planning by, providing an appropriate amount of retail and service commercial for the Waterdown South Secondary Plan area, and by allowing all types of retail and service commercial uses, which will attract wider range of tenants and encourage the development of the retail main street along Mallard Trail.
- 2. The purpose of the proposed Official Plan Amendment is to amend the Mixed Use – Medium Density and Staging of Development policies of the Waterdown South Secondary Plan to reduce the minimum requirement of retail and commercial space, permit accessory/associated residential uses on the ground floor and eliminate the retail and commercial development phases.

### **Commercial Needs Assessment**

The Commercial Needs Assessment determined that the Waterdown Community is well serviced by existing and future commercial space, such as Clappison Corners, Downtown Waterdown and the future District Commercial block within the Waterdown Bay subdivision. It also acknowledged that national commercial trends and key disruptors (e-commerce) are reducing the need for ground-oriented retail uses and retail growth is becoming more concentrated in specific retail categories (e.g. health and wellness, food and beverage). As a result, the need for retail space relative to population growth is declining.

The Commercial Needs Assessment and Policy B.4.3.2.2 d) of the Waterdown South Secondary Plan identified the importance of limiting the amount and scale of new development in the area to ensure that there is no adverse impacts on established commercial areas such as Downtown Waterdown. Reducing the amount of retail and service commercial space for the subject lands will allow the area to develop complementary to Downtown Waterdown and reduce retail competition to ensure the implementation of the retail main street.

The Commercial Needs Assessment was peer reviewed by Watson & Associates Ltd. The peer reviewer determined that the conclusions of the Tate Report to reduce the retail and service commercial from a minimum of 3,600 sq m to a minimum of 1,200 sq m could be supported. Staff were not supportive of this reduction as it would allow for standalone residential uses on the northeast and southeast corner eliminating the requirement for retail and service commercial uses along the envisioned retail main street. Staff worked with the applicant to provide a minimum of 1,980 sq m of retail and service commercial space along Mallard Trail.

## **Phasing Policies**

The Waterdown South Secondary Plan intended the Mixed Use – Medium Density and District Commercial designations to be developed in three phases. The phasing permitted the development of a supermarket in the District Commercial Block (Phase 1) and then the full build out of the retail main street to a minimum of 3,600 sq m of commercial space (Phase 2). Once this was complete, the remainder of the District Commercial Block could be developed as Phase 3.

The Waterdown South area has not been developed as envisioned by the retail and service commercial phasing policies. The Urban Commercial “UC-13” Zone permissions allows for the development of 10, 39, and 40 Mallard Trail and 488 Dundas Street East to proceed ahead of 585 Skinner Road as the Holding Provision is not applicable to these properties (10, 39, and 40 Mallard Trail and 488 Dundas Street East). Staff are supportive of the planned and proposed developments located at 10, 39, and 40 Mallard Trail and 488 Dundas Street East proceeding as they complete the Secondary Plan vision of a retail main street along Mallard Trail.

The five subject properties are under different ownership. The implementation policies of the Waterdown South Secondary Plan should not impede the development rights of the individual property owners. As such, staff feel that it is appropriate to remove these policies. Staff will also be recommending that the associated Holding Provision be removed from the District Commercial block for the same reasons.

Staff are supportive of the Official Plan Amendments based on the following:

- The Commercial Needs Assessment supported a decrease in the retail and service commercial floor space for 10, 39 and 40 Mallard Trail and 488 Dundas Street East;
- Reducing the amount of retail and service commercial uses in this area would support the viability of existing commercial uses in Downtown Waterdown by reducing retail competition;
- The retail main street function envisioned for Mallard Trail is being achieved; and,

- The Waterdown South area has not developed in accordance with the retail and service commercial phasing policies of the Urban Hamilton Official Plan
- 3. The subject lands (10, 39, and 40 Mallard Trail and 488 Dundas Street East) are zoned Urban Commercial “UC-13” Zone and 585 Skinner Road is zoned Urban Commercial “UC-14(H)” Zone in the Town of Flamborough Zoning By-law No. 90-145-Z.

The applicant has requested to further modify the Urban Commercial “UC-13” by permitting accessory / associated residential uses on the ground floor, permitting a minimum of 1,256 sq m of retail and service commercial floor space, including all the “UC-13” Zone permitted land uses in the minimum retail and service commercial gross floor area calculation and establishing a distribution of the minimum floor area.

In order to ensure that the Zoning By-law Amendment can accommodate the applicant’s development plans on the subject lands, staff are dividing the proposal into three blocks:

- Block 1 (10 and 40 Mallard Trail) will permit accessory/associated residential uses on the ground floor, permit a minimum of 1,265 sq m of retail and service commercial floor space, include all “UC-13” Zone permitted uses in the minimum retail and service commercial gross floor area calculation and establish a distribution of the minimum floor area;
- Block 2a (488 Dundas Street East) will facilitate the development of a 90 unit, six storey mixed use building with 306 sq m of ground floor commercial;
- Block 2b (39 Mallard Trail) will facilitate the development of seven unit, three storey mixed use building with 418 sq m of ground floor commercial; and,
- Block 3 (585 Skinner Road) will only amend the “UC-14(H)” Zone to eliminate the maximum Gross Leasable Floor Area provision.

The current regulations for the Urban Commercial “UC-13” Zone permits a Gross Leasable Floor Area minimum of 3,600 sq m of retail and service commercial space for the properties located at 10, 39, and 40 Mallard Trail and 488 Dundas Street East. This regulation is applied collectively to all four properties, not cumulatively. Further, not all of the permitted uses of the Urban Commercial “UC-13” Zone count towards the minimum floor space calculation. These include, but are not limited to, restaurant, tavern, day nursery and offices.

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The Commercial Needs Assessment highlighted the importance of mixed use developments providing key retail categories such as restaurants and services to succeed. Current zoning permissions need to be aligned to accommodate more service and commercial uses that will lead to the success of this retail main street.

The Assessment also recognized that Waterdown is well serviced by several commercial areas throughout the community including Downtown Waterdown, Clappison Corners and the future mixed use and district commercial areas within the Waterdown South Secondary Plan. Additionally, it concluded that commercial trends are reducing the need for ground-oriented retail uses and retail growth is becoming more focused on specific retail categories such as health and wellness and food and beverage. Based on the foregoing, staff are supportive of the proposed amendments. These modifications are discussed in greater detail in Appendix “E” to Report PED20188.

4. The applicant further seeks to amend the Urban Commercial “UC-14(H)” Zone Holding Provision by removing the commercial and retail provisions for 585 Skinner Road. The Holding Provision will not be lifted from the property as the karst and stormwater management provision are still applicable.

The purpose of the Holding Provision was to control the phasing of the commercial development in the Waterdown South area. However, the Waterdown South area has not been developed in accordance in with retail and service commercial phasing requirements. Staff are supportive of this modification as the phasing requirements are no longer valid since the development of the retail main street occurred ahead of the District Commercial lands.

5. A future amending Zoning By-law will be required to incorporate the subject lands into the Commercial and Mixed Use Zones of the City of Hamilton Zoning By-law No. 05-200. These lands were not incorporated into the Commercial Mixed Use Zones through the city-wide initiated rezoning as there were active development applications at the time of the rezoning. Therefore, staff will incorporate these lands into the City of Hamilton Zoning By-law No. 05-200 at a future date.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could continue to be developed in accordance with the Urban Commercial “UC-13” Zone and Urban Commercial “UC-14 (H)” Zone.

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In addition, the Applicant would need to submit a Zoning By-law Amendment application to amend the Holding Provision for the Urban Commercial “UC-14(H)” Zone.

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

**Community Engagement and 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.

**Culture and Diversity**

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED20188 – Location Map

Appendix “B” to Report PED20188 – Draft Official Plan Amendment

Appendix “C” to Report PED20188 – Draft Zoning By-law Amendment

Appendix “D” to Report PED20188 – Draft Zoning By-law Amendment for Holding

Appendix “E” to Report PED20188 – Zoning Analysis

Appendix “F” to Report PED20188 – Concept Plan and Architectural Drawings