



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 25, 2022
SUBJECT/REPORT NO:	Application for Approval of a Draft Plan of Subdivision for Lands Located at 179, 183, and 187 Wilson Street West, Ancaster (PED22081) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Subdivision Application 25T-202110, by Wilson West Development Corporation c/o Brandon Campbell, owner**, to establish a Draft Plan of Subdivision on lands located at 179, 183, and 187 Wilson Street West (Ancaster), as shown on Appendix "A" attached to Report PED22081, be **APPROVED** subject to the following conditions:

- (i) That this approval applies to the Draft Plan of Subdivision Application 25T-202110 prepared by A. T. McLaren Limited and certified by S. Dan McLaren, O.L.S. dated July 7, 2021, consisting of two blocks (Blocks 1 and 2) subject to the owner entering into a Standard Form Subdivision Agreement as approved by City Council attached as Appendix "B" to Report PED22081;
- (ii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202110, attached as Appendix "C" to Report PED22081, be received and endorsed by City Council;
- (iii) That payment of Cash-in-Lieu of Parkland be required, pursuant to Section 51 of the *Planning Act*, with the calculation of parkland payment to be based on the value of the lands on the day prior to the day of issuance of each building permit,

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

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

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

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and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council;

- (iv) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017), there will be no cost sharing within the Draft Plan of Subdivision lands.

EXECUTIVE SUMMARY

The subject property is municipally known as 179, 183 and 187 Wilson Street West (refer to Appendix "A" attached to Report PED22081). The lands are located on the north-west side of Wilson Street West (opposite of the Seminole Road/Wilson Street intersection), are rectangular in shape and are 0.808 ha in area.

This Application is for a Draft Plan of Subdivision to establish two blocks as shown on Appendix "B" attached to Report PED22081. Block 1 is intended for the development of 35 street townhouses along with a private roadway and visitor parking. The proposed development is subject to Site Plan Control and Draft Plan of Condominium Applications. Block 2 will be for a right of way dedication of 2.20 to 2.21 metres along Wilson Street West. Approval of this application will be subject to the owner entering into a Standard Form Subdivision Agreement, with special conditions.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019, and complies with the Urban Hamilton Official Plan (UHOP). The proposed development is compatible with the existing development in the area and will make full use of available municipal services.

Alternatives for Consideration – See Page 22

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an Application for a Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Applicant/Owner:	Wilson West Development Corporation
Agent:	T. Johns Consulting
File Number:	25T-202110
Type of Applications:	Draft Plan of Subdivision
Proposal:	The Draft Plan of Subdivision proposes to create two blocks. Block 1 will consist of 35 street townhouse dwellings, a private roadway and visitor parking, and Block 2 is a right of way dedication (137.53 m ²) to the City.
Property Details	
Municipal Address:	179, 183, and 187 Wilson Street West.
Lot Area:	0.8088 ha.
Servicing:	Full Municipal Services
Existing Use:	179 Wilson Street West - single detached dwelling 183 Wilson Street West - single detached dwelling 197 Wilson Street West - single detached dwelling
Proposed Uses:	35 street townhouse dwellings on a private condominium road with visitor parking.
Documents	
Provincial Policy Statement (PPS)	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) 2019.
Official Plan Existing:	"Neighbourhoods" on Schedule "E" – Urban Structure and on Schedule "E-1" – Urban Land Use Designations in the UHOP.
Official Plan Proposed:	Official Plan amendment is not required.
Secondary Plan Existing:	Ancaster Wilson Street Secondary Plan – "Medium Density Residential 2".

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Documents	
Secondary Plan Proposed:	Amendment to the Secondary Plan is not required.
Zoning Existing:	Community Institutional (I2, 694) Zone.
Zoning Proposed:	Zoning By-law amendment is not required.
Processing Details	
Received:	July 20, 2021
Deemed Complete:	August 19, 2021
Notice of Complete Application:	Sent to 149 property owners within 120 m of the subject property on October 14, 2021.
Public Notice Sign:	October 18, 2020 and updated on March 29, 2022.
Notice of Public Meeting:	April 7, 2022
Public Consultation:	Public meeting notice has been provided in accordance with the requirements of the <i>Planning Act</i> .
Public Comments:	Five comments were received through the preliminary circulation (attached as Appendix “D” to Report PED22081).
Processing Time:	280 days.

EXISTING LAND USE AND ZONING

	Existing Land Use	Existing Zoning
Subject Lands:	179, 183 and 187 Wilson Street West – Single Detached Dwellings	Community Institutional (I2, 694) Zone

Surrounding Land Uses:

North	Single Detached Dwellings	Existing Residential “ER” Zone
East	Townhouse Dwellings	Residential Multiple “RM3-378” Zone, Modified

Surrounding Land Uses (Continued):

South	Single Detached Dwellings	Existing Residential “ER” Zone and “ER-358” Zone, Modified
West	Single Detached Dwellings (condominium development)	Residential “R2-541” Zone, Modified

The following related applications were also submitted and are being reviewed by the City to facilitate the development of the proposed 35 freehold townhouse dwellings fronting onto a common element condominium road:

Site Plan Control Application DA-21-043

A Site Plan Control application has been submitted to facilitate the development of 35 freehold townhouse dwellings on a condominium road including visitor parking, a sidewalk, bicycle parking and community mailboxes. The Application received conditional approval on June 24, 2021.

Draft Plan of Condominium (Common Element) Application 25CDM-202119

The Draft Plan of Condominium (Common Element) application is comprised of a private road, visitor parking, sidewalk, bicycle parking and community mailboxes for the 35 freehold townhouse dwellings and was received on July 20, 2021. The Application is currently under review.

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 PPS (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters shall be consistent with the PPS (2020). The *Places to Grow Act* requires that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (OLT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest are discussed in the Official Plan analysis below.

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As the Application for Draft Plan of Subdivision complies with the UHOP, it is staff's opinion that the Application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the PPS (2020); and,
- Conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 as amended.

Urban Hamilton Official Plan (UHOP):

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the UHOP. The lands are also within the Ancaster Wilson Street Secondary Plan and are designated "Medium Density Residential 2". The lands are also located within an area identified as "Gateway Residential Area", and within the "Community Node Area" on Appendix "A" attached to Report PED22081. The following UHOP 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*.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained."

The proposed development for 35 freehold townhouse dwellings will contribute to the provision of complete communities and provide additional housing units within the neighbourhood. The area is supported by a range of uses such as commercial plazas to the north-east, a community park and recreational trails (Little League Park and Spring Valley Trail) to the north, Ancaster High School to the west and Ancaster Public School to the south. The site would also be adjacent to a public transit stop along Wilson Street West. The transit stop located adjacent to the site is serviced by the Hamilton Street Railway (HSR) Route 16, which provides a connection through Ancaster from Meadowlands to Duffs Corners. The proposed development

complements the established lot, block pattern and built form of the existing low and medium density residential neighbourhood.

Medium Density Residential - Volume 1

“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; and,

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.

Design

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; and,
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.”

Ancaster Wilson Street Secondary Plan – Volume 2

“B.2.8.7.4 Medium Density Residential 2 Designation

- 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; and,
- c) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum building height shall be three storeys.”

In review of the Volume 1 policies, the subject lands are on the periphery of a neighbourhood located along a major arterial road and within safe and convenient walking distance to commercial plazas, trails and schools. With respect to design, the proposed street townhouse dwellings act as a transition between the lower density uses in the immediate established neighbourhood to the north and would have a height, massing and arrangement of buildings that fit well with the neighbouring properties along Wilson Street West. The proposal supports a range of housing options, has direct access to a major arterial road, and is supported by public transit.

In review of the Volume 2 policies, the proposal for 35 three storey freehold townhouse dwellings complies with the permitted uses in the Secondary Plan, although the proposal would yield a density of 44 units per hectare. The Community Institutional (I2) Zone permits the proposed street townhouse development as of right and therefore are deemed to comply with the UHOP.

Staff are of the opinion that the proposal complies with the UHOP and the Ancaster Wilson Street Secondary Plan.

Residential Intensification

“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;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;

- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

The proposed development is an infill development which will contribute to achieving the City’s intensification target for lands within the existing urban boundary. Generally, the subject lands are surrounded by single detached dwellings to the north, south and west and a townhouse development to the east and this development will provide an opportunity to add a range of new dwelling types along Wilson Street West. The proposed development will complement the established lot patterns in the neighbourhood and support the City’s objective to encourage transit supportive development.

The proposed street townhouse dwellings are compatible and complement the existing surrounding neighbourhood by encouraging a range of dwelling types and sizes. The street townhouses are proposed to be a maximum of three storeys in height. This proposal meets the setbacks required by the Community Institutional (I2) Zone. There are not anticipated to be any shadow or overlook issues created by the proposed three storey height. The proposed development makes use of the existing municipal infrastructure and can be serviced by existing water and sanitary services.

Tree Protection

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

In order to accommodate the proposed development, 142 trees require compensation (i.e. 1:1): 99 trees will require cash in lieu for compensation and 43 trees will be planted for compensation. Condition Nos. 2 and 3 of Appendix “C” attached to Report PED22081 require a Tree Protection Plan/Preservation Plan and a Landscape Plan, prior to registration of the plan of subdivision and prior to any preliminary grading or servicing occurring on the subject lands.

Cultural Heritage

- “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, R.S.O., 1990 c. P.13:...
- c) Plans of subdivision.”

As part of the previous application, a Stage 1 and 2 (P389-0399-2018) archaeological report for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). The Province signed off on the report for compliance with licensing requirements in a letter dated May 10, 2019. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Plan of Subdivision

- “F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:
- a) The plan of subdivision conforms to the policies and land use designations of this Plan;
 - b) The plan of subdivision implements the City’s staging of development program;
 - c) The plan of subdivision can be supplied with adequate services and community facilities;
 - d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
 - e) The plan of subdivision can be integrated with adjacent lands and roadways;
 - f) The plan of subdivision shall not adversely impact municipal finances; and,
 - g) The plan of subdivision meets all requirements of the *Planning Act*, R.S.O., 1990 c. P.13.”

The proposed Draft Plan of Subdivision complies with the UHOP and meets all the requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the subject lands can be adequately serviced using existing infrastructure. It can be integrated with the adjacent lands and road network. The proposal will not adversely impact the natural environment, transportation system, and municipal finances.

Ancaster Wilson Street Secondary Plan Urban Design Guidelines

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

Design Goals

“The intent of these design guidelines is to preserve the residential scale and “green” character of Wilson Street West, while enhancing the “gateway” function the corridor currently fulfils. Primary elements of the guidelines that achieve this include:

- Building design is flexible and accommodates/promotes individual expression;
- Building heights are limited to three storeys with pitched rooflines;
- Building masses are setback from the street with front yard landscaping; and,
- A strong linear parkway for pedestrian and bicycle circulation enhances connections and the green quality of the street.”

The proposal meets the intent of the design goals as the street townhouses are not more than three storeys in height, the buildings are setback from the street and the site incorporates landscaping which enhances the green quality of the street. Other design requirements that have been considered through Site Plan Control include the design and integration of the units that flank onto Wilson Street West by incorporating more articulation for the facades facing the street.

Based on the foregoing, the proposed Draft Plan of Subdivision complies with the UHOP.

Hamilton Zoning By-law No. 05-200

The subject lands are zoned Community Institutional (I2, 694) Zone, in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED22081.

The Community Institutional (I2) Zone permits a range of low intensity institutional and residential uses, such as educational establishments, places of worship, single and

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semi-detached dwellings. Special Exception 694 permits a Retirement Home along with site specific modifications. The proposed 35 freehold townhouse dwellings are permitted within the (I2) Zone, and generally conform to the standards of the (I2) Zone, as shown on the concept plan attached as Appendix “E” attached to Report PED22081.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department; Landscape Architectural Services, Strategic Planning Division, Public Works Department Asset Management, Strategic Planning Division, Public Works Department; Recreation Division, Healthy and Safe Communities Department; HydroOne; and, Niagara Escarpment Commission. 		No Comment
	Comment	Staff Response
Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Development Engineering advise that the grading, drainage and servicing concerns for the subject lands are being dealt with under Site Plan Application DA-21-043; and, Any/all future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to: private water services, booster pumps, private storm and sanitary sewers, area drains, maintenance holes, sewage pumps, roadways, walkways, rear yard catch basins, stormwater management tank and OGS unit etc. are the sole responsibility of the condominium corporation and as such shall be noted in the condominium declaration. 	<ul style="list-style-type: none"> It is noted that grading and drainage are being dealt with through Site Plan Control application DA-21-043; A capital reserve fund will be established through the Draft Plan of Condominium process to provide for cleaning and maintenance of shared elements (private roadway, sidewalks and landscaped areas); and, Staff note that the condominium declaration will include easements for the rear yards, which will be dealt with through the Draft Plan Condominium Application.

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Departments and Agencies		
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Development Engineering advise that the grading, drainage and servicing concerns for the subject lands are being dealt with under Site Plan application DA-21-043; Any/all future on-going maintenance and/or replacement costs for any structures within the condominium lands including but not limited to: private water services, booster pumps, private storm and sanitary sewers, area drains, maintenance holes, sewage pumps, roadways, walkways, rear yard catch basins, stormwater management tank and OGS unit etc. are the sole responsibility of the condominium corporation and as such shall be noted in the condominium declaration; An easement is required over the rear portion of the units in favour of the future Condo Corporation to ensure they have the right to maintain the approved drainage pattern by our office. The proponent will be required to submit a copy of the draft condo declaration to our office prior to registration of the final Condo Plan; and, As a condition of the Subdivision Approval, the Applicant must show the dedication of the required road widening. 	<ul style="list-style-type: none"> The required road widening is shown as Block 2 in Appendix "B" attached to Report PED22081. The required road widening is also addressed through Condition No. 1 of Appendix "C" attached to Report PED22081.

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Departments and Agencies		
	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • Transportation Planning support the development; • As a condition of approval prior to servicing, the Owner shall include in the engineering design and cost estimate schedules, provision for the relocation of the concrete pad for the bus stop along Wilson Street West to the satisfaction and approval of the Manager, Transportation Planning. All costs for utility relocation are the sole responsibility of the Owner. It is the Applicant's responsibility to coordinate with the appropriate departments ahead of time; and, • Approximately 3.0 metres are to be dedicated to the right-of-way on Wilson Street West, as per the Council Approved Urban Official Plan: Schedule C-2 – Future Right-of-Way Dedications. Wilson Street West is to be 30.480 metres from Halson Street to Highway 403. 	<ul style="list-style-type: none"> • Condition No. 4 of Report PED22081 requires that the Owner provide a design and cost estimate for the relocation of the concrete pad. • The required road widening is shown as Block 2 in Appendix "B" attached to Report PED22081. The required road widening is also addressed through Condition No. 1 of Appendix "C" attached to Report PED22081.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • Forestry has no comments or concerns regarding the Draft Plan of Subdivision or Draft Plan of Condominium Application; and, • Note the landscape plan condition remains outstanding for Site Plan Control application DA-21-043 as street tree fees have not been received. 	<ul style="list-style-type: none"> • The landscape plan and street tree fees will be required through Site Plan Control Application DA-21-043.

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Departments and Agencies		
	Comment	Staff Response
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> As required by Section 51(17)(c) of the <i>Planning Act</i>, the key plan is required to be provided at a scale of not less than one centimeter to 100 metres. The key plan shown is not to scale. Also, staff notes the orientation of the key plan does not match the orientation of the draft plan; Require the owner to identify adjacent land uses, soil porosity, and number and type of units in accordance with the <i>Planning Act</i>; The existing municipal address of 187 Wilson Street West will be retained as the common element address for the subject proposal, along with units 1 to 35 for the proposed units; and, Add the standard note: Pursuant to Section 51(32) of the <i>Planning Act</i>, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if a written request is received two months before the draft approval lapses. 	<ul style="list-style-type: none"> The Draft Plan of Subdivision has been revised accordingly; The Owner/Applicant has been made aware of the assigned address for the site; and, The note has been included as Note #1 in Appendix "C" attached to Report PED22081.
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> This development cannot be serviced by municipal waste collection; The development does not allow for continuous forward motion; The proposed T-Turnaround exceeds the Specifications in the Solid Waste Collection Design Guidelines for Developments; 	<ul style="list-style-type: none"> Through the Draft Condominium Application, a note will be added to the Draft Plan indicating that the site is ineligible for municipal collection of Garbage, Recycling, Organics, and Leaf and Yard Waste; and, Collection of Garbage, Recycling, Organics, and Leaf and Yard Waste must be provided through a Private Waste Hauler(s).

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Departments and Agencies		
	Comment	Staff Response
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department (Continued)	<ul style="list-style-type: none"> Should the application be approved the following notations must be included on the Draft Plan Approval: <ul style="list-style-type: none"> The developer is responsible for all waste removal up until the time that an “Agreement for On-site Collection of Solid Waste” is finalized, and municipal collection services are initiated; and, The developer must provide a signed letter from a professional engineer certifying that the road base along the access route can support at least 35,000 kilograms. If the development is not designed according to specifications identified herein, the developer must: <ul style="list-style-type: none"> Arrange a private waste hauler for the removal of all waste materials; and, As part of the Purchase and Sale Agreement the developer, owner, property manager or agent for the development must disclose in writing to a prospective buyer of a unit within the development that the property is not serviceable for municipal waste collection. 	
Transit Planning and Infrastructure, Transit Division, Public Works Department	<ul style="list-style-type: none"> The is an HSR bus stop, with 9 m x 2.5 m concrete landing pad, currently situated within the boulevard in front of 179 Wilson Street West. The proponent should take steps to ensure that the bus stop and concrete pad is retained, post-development. 	<ul style="list-style-type: none"> Condition No. 4 of Appendix “C” attached to Report PED22081 ensures that the developer will relocate the bus stop and be responsible for its reconstruction.
Canada Post	<ul style="list-style-type: none"> Identified that the site will be serviced by a centralized mailbox. The applicant will need to locate the mailbox on site per Canada Post standard requirements. 	<ul style="list-style-type: none"> These requirements have been included as Condition Nos. 5, 6 and 7 in Appendix “C” attached to Report PED22081.

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Departments and Agencies		
	Comment	Staff Response
Bell Canada	<ul style="list-style-type: none"> Requires the owner to provide any easements that may be necessary for communication/telecommunication infrastructure. 	<ul style="list-style-type: none"> This is included as Condition No. 8 in Appendix "C" attached to Report PED22081.
Rogers	<ul style="list-style-type: none"> Requires the owner to provide any easements that may be necessary for communication/telecommunication infrastructure. 	<ul style="list-style-type: none"> This is included as Condition No. 9 in Appendix "C" attached to Report PED22081.
Union Gas (Enbridge)	<ul style="list-style-type: none"> Requires that the applicant provide necessary easements and/or agreements for the provision of gas services. 	<ul style="list-style-type: none"> This is included as Condition No. 10 in Appendix "C" attached to Report PED22081.
Public Consultation		
	Comment	Staff Response
Density	A concern was raised that the proposed density for the development is too high.	<ul style="list-style-type: none"> 35 freehold townhouse dwellings fronting onto a common element condominium road are proposed at a density of 44 units per hectare which is less than what the UHOP requires for the "Medium Density Residential 2" designation.
Traffic and Parking	<ul style="list-style-type: none"> Proposed development will cause an increase in traffic on Wilson Street; Concern that there is not enough parking; and, Request that the increased traffic issues be monitored. 	<ul style="list-style-type: none"> Transportation Planning Staff have reviewed the application and have no concerns with the traffic the proposal would generate; and, The proposal provides two spaces per unit and nine visitor spaces. This exceeds the minimum requirement of Zoning By-law No. 05-200, which requires one space per unit.

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Public Consultation		
	Comment	Staff Response
Height	<ul style="list-style-type: none"> There is concern that the height of the proposal will create overshadowing, loss of privacy and less light. 	<ul style="list-style-type: none"> The permitted maximum height within the Community Institutional (I2) Zone is 10.5 metres and the Applicant is proposing a building height of 10.2 metres.
Construction/ Noise and Light Pollution	<ul style="list-style-type: none"> Concern that the construction on site may compromise the neighbouring properties foundations; Concern that construction and site works will occur on weekends and during early or late hours; and, Wish to have noise and light pollution monitored during the construction. 	<ul style="list-style-type: none"> Should the Applications be approved, plans or procedures for dealing with issues concerning construction management will be reviewed at the Site Plan Control stage to mitigate impacts of construction activities.
Trees	<ul style="list-style-type: none"> There is concern regarding the loss of mature trees on this property and concern that all trees are being removed; and, Some residents wish to be consulted on tree removal and when it will occur as well as replanting and fencing. 	<ul style="list-style-type: none"> Replanting and cash-in-lieu will be further addressed through Site Plan Control; To date staff have been providing residents whom have requested copies of the TPP and Landscape Plan for review and comment; Staff note that tree removals are to be done outside of nesting season (March 31 to August 31); and, As part of the Site Plan Control new fencing is proposed around the perimeter of the site.
Drainage	<ul style="list-style-type: none"> Concern that overflow will be prevented and will not impact existing properties. 	<ul style="list-style-type: none"> The Applicant is proposing a catch basin system that leads to a holding tank to ensure that overflow and stormwater runoff levels are maintained.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were sent to 149 property owners within 120 m of the subject property on October 14, 2021, requesting comments on the Draft Plan of Subdivision application.

A Public Notice Sign was posted on the property on October 18, 2021, and updated on March 29, 2022, with the Public Meeting date. Finally, Notice of the Public Meeting was given on April 7, 2022, in accordance with the requirements of the *Planning Act*.

Public Consultation Strategy

The Applicant met with representatives of abutting properties (173 and 195 Wilson Street West) to discuss the revised proposal on March 22, 2021 and March 23, 2021. A meeting was also held with the abutting land owner at 210 Taylor Road on March 23, 2021.

Five comments have been received on this proposal and are attached as Appendix "D" to Report PED22081.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (a) It is consistent with the PPS (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (b) It complies with the policies of the Urban Hamilton Official Plan; and,
 - (c) It provides for dwelling units in an area where full municipal services are available, making efficient use of the land and infrastructure.
2. In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:
 - (a) It is consistent with the Provincial Policy Statement, A Place to Grow Plan, and complies with the Urban Hamilton Official Plan;
 - (b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;

- (c) It complies with the applicable policies of the Urban Hamilton Official Plan;
- (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided;
- (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood and can be adequately serviced by the current road network;
- (f) The dimensions and shapes of the proposed lots generally conform to the Zoning By-law and are sufficient to accommodate the proposed development of street townhouse dwellings;
- (g) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;
- (h) Adequate utilities and municipal services are available to service the proposed blocks within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement;
- (i) Adequate land for right of way is being dedicated to the City; and,
- (j) The proposal will not have any negative impacts on the City's finances.

Based on the above, staff are supportive of the Draft Plan of Subdivision and recommend its approval.

- 3. The subject lands are zoned Community Institutional (I2, 694) Zone, in Hamilton Zoning By-law No. 05-200. The proposed 35 freehold townhouse dwellings are permitted and conform to the standards of the (I2, 694) Zone;
- 4. A Site Plan Control Application has been submitted to the City to facilitate the development of 35 freehold townhouse dwellings on a condominium road including a sidewalk, visitor parking, community mailbox, bicycle parking, and landscaping. The Site Plan Control Application and the Draft Plan of Condominium (Common Element) to establish tenure for the dwelling units are currently being reviewed in tandem with this Application; and,
- 5. An exemption from Part Lot Control Application will be required to establish 35 Parcels of Tied Land (POTL's) as well as to establish access and maintenance easements.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Draft Plan of Subdivision not be approved, only street townhouses fronting on Wilson Street as well as other uses permitted in accordance with the Community Institutional (I2, 694) 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

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22081 – Location Map

Appendix “B” to Report PED22081 – Draft Plan of Subdivision

Appendix “C” to Report PED22081 – Special Conditions of Draft Plan of Subdivision

Appendix “D” to Report PED22081 – Public Comments

Appendix “E” to Report PED22081 – Concept Plan

JVR:sd