




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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	July 9, 2024
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 259 and 265 Wilson Street East (PED24107) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Official Plan Amendment Application UHOPA-24-006, by T. Johns Consulting Group Ltd. c/o Katelyn Gillis on behalf of The Trustee Board, Ryerson United Church c/o Rick Smith and 259 Wilson St Inc. c/o Barry Brownlow, Owners**, to redesignate a portion of 265 Wilson Street East from “Institutional” to “Mixed Use Medium Density – Pedestrian Focus”, to permit a future severance of a portion of 265 Wilson Street East to be merged with 259 Wilson Street East, for lands located at 265 Wilson Street East, as shown on Appendix “A” attached to Report PED24107, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED24107, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent of the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan;

- (b) That **Amended Zoning By-law Amendment Application ZAC-24-013, by T. Johns Consulting Group Ltd. c/o Katelyn Gillis on behalf of the Trustee Board, Ryerson United Church c/o Rick Smith and 259 Wilson St Inc. c/o Barry Brownlow, Owners**, for a change in zoning from Neighbourhood Institutional (I1, 16) Zone to Neighbourhood Institutional (I1, 16) Zone, from Neighbourhood Institutional (I1, 16) Zone to Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone and from Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone, to permit the future severance of a portion of 265 Wilson Street East, shown as Block 2 on Appendix “A”, to be merged with 259 Wilson Street East, and to recognize the existing built form and associated parking, for lands located at 259 and 265 Wilson Street East, as shown as Block 1, Block 2 and Block 3 respectively on Appendix “A” attached to Report PED24107, be **APPROVED** on the following basis:
- (i) That the draft Zoning By-law, attached as Appendix “C” to Report PED24107, 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; Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan, upon approval of the Official Plan Amendment;
- (c) That approval be given for a modification to the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone, to permit the future severance of a portion of 265 Wilson Street East to be merged with 259 Wilson Street East, to recognize the existing associated parking and for a modification to the Neighbourhood Institutional (I1) Zone to recognize the existing associated parking for lands located at 259 Wilson Street East and 265 Wilson Street East, Ancaster, as shown on Appendix “A” attached to Report PED24107, subject to the following:
- (i) That the draft Zoning By-law, attached as Appendix “H” to Report PED24107, be held in abeyance until such time as By-law No. 24-052, being a by-law to establish the Parking Regulations Zones is in force and effect;
- (ii) That staff be directed to bring forward the draft Zoning By-law, attached as Appendix “H” to Report PED24107, for enactment by City Council, once By-law No. 24-052 is in force and effect.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 259 and 265 Wilson Street East. The applicants are proposing to convey 0.24 hectares of land from 265 Wilson Street East and merge them with 259 Wilson Street East and that the lands at 259 Wilson Street East, with the additional lands will continue to operate as an office use. The applicant has submitted applications to amend the Urban Hamilton Official Plan and Zoning By-law to facilitate the future severance and merger of lands from 265 Wilson Street East to 259 Wilson Street East for the provision of on-site parking on the property at 259 Wilson Street East and to recognize the existing parking and built form on-site.

The purpose of the Official Plan Amendment is to change the designation of a portion of 265 Wilson Street East from “Institutional” to “Mixed Use – Medium Density – Pedestrian Focus” in the Ancaster Wilson Street Secondary Plan to facilitate a future Consent to Sever application.

The purpose of the Zoning By-law Amendment is outlined as follows:

- To repeal the existing site specific Neighbourhood Institutional (I1, 16) Zone for a portion of the lands at 265 Wilson Street and replace the existing site specific regulations with new and updated site specific regulations applicable to the subject lands, (Block 1 in attached Appendix “A” to Report PED24107);
- To rezone the lands to be severed from 265 Wilson Street East to be merged with 259 Wilson Street East from Neighbourhood Institutional (I1, 16) Zone to Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone, (Block 2 in attached Appendix “A” to Report PED24107); and,
- To rezone the existing lands at 259 Wilson Street East from Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone, (Block 3 in attached Appendix “A” to Report PED24107).

Site specific modifications to the Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone and Neighbourhood Institutional (I1, 16) Zone are required to recognize the location of the existing buildings on the future lots to be established, which are discussed in Appendix “E” attached to Report PED24107.

The proposal has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);

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- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent and purpose of the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan, upon approval of the Official Plan Amendment; and,
- The proposal is considered good planning, facilitates orderly development and efficient use of lands, as it will facilitate the severance and merger of lands to provide on site parking associated with an existing office use.

**Alternatives for Consideration – See Page 13**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

<b>Application Details</b>	
Owner:	259 Wilson Street East – 259 Wilson St Inc. c/o Barry Brownlow.  265 Wilson Street East – The Trustee Board, Ryerson United Church c/o Rich Smith.
Applicant/Agent:	T. Johns Consulting Group Ltd. c/o Katelyn Gillis.
File Numbers:	UHOPA-24-006 and ZAC-24-013.
Type of Application:	Urban Hamilton Official Plan and Zoning By-law Amendment.
Proposal:	The applications for Official Plan Amendment and Zoning By-law Amendment facilitate the future severance of approximately 2,413 square metres (0.24 hectares) of land containing 39 existing parking spaces associated with a place of worship at 265 Wilson Street East, to be merged with the property directly south at 259 Wilson Street East which contains an existing office use. The existing place of worship will maintain 58 parking spaces.

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<b>Application Details</b>	
Proposal: <b>(Continued)</b>	<p>There are existing long-term lease agreements and right-of-way easements on lands at 265 Wilson Street East in favour of 259 Wilson Street East to allow parking and access.</p> <p>The existing place of worship and existing office use will continue to function with respect to parking and therefore, reciprocal easements for shared access will be required to be established to support the respective parking areas.</p> <p>The concept plan is attached as Appendix “D” to Report PED24107.</p>
<b>Property Details</b>	
Municipal Address:	259 and 265 Wilson Street West.
Lot Area:	259 Wilson Street East - 1,355.2 square metres. 265 Wilson Street East - 10,038.3 square metres.
Servicing:	Full municipal services.
Existing Use:	259 Wilson Street East – office use. 265 Wilson Street East – place of worship.
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Mixed Use Medium Density”.
Secondary Plan Existing:	<p>259 Wilson Street East - “Mixed Use Medium Density – Pedestrian Focus” in the Ancaster Wilson Street Secondary Plan.</p> <p>265 Wilson Street East - “Institutional” in the Ancaster Wilson Street Secondary Plan.</p>
Secondary Plan Proposed:	<p>259 Wilson Street East and lands to be severed and merged - “Mixed Use Medium Density – Pedestrian Focus” designation.</p> <p>265 Wilson Street East - “Institutional” designation.</p>

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<b>Documents</b>	
Zoning Existing:	<p>259 Wilson Street East - Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone.</p> <p>265 Wilson Street East - Neighbourhood Institutional (I1, 16) Zone.</p>
Zoning Proposed:	<p>259 Wilson Street East and lands to be severed and merged – Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone.</p> <p>265 Wilson Street East - Neighbourhood Institutional (I1, 16) Zone.</p>
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <p>265 Wilson Street East – Neighbourhood Institutional (I1, 16) Zone</p> <ul style="list-style-type: none"> <li>• To permit an existing chimney to encroach 0.45 metres into a required side yard, whereas a maximum encroachment of 0.6 metres or half of the required yard, whichever is lesser, is permitted;</li> <li>• To recognize a parking space size of 2.6 metres in width and 5.5 metres in depth for the parking spaces existing on the date of the passing of the By-law;</li> <li>• To recognize the barrier free parking spaces existing on the date of the passing of the By-law;</li> <li>• To permit a minimum of 58 parking spaces for the existing place of worship;</li> <li>• To recognize a 0.0 metre front yard setback for the existing building at 265 Wilson Street East, instead of the minimum required 6.0 metres;</li> <li>• To permit a minimum 0.6 metres side yard setback for the existing building at 265 Wilson Street East, instead of the minimum required 1.2 metres; and,</li> <li>• To permit the existing building height for the building at 265 Wilson Street East, instead of the maximum 10.5 metres.</li> </ul>

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<b>Documents</b>	
<p>Modifications Proposed: <b>(Continued)</b></p>	<p>259 Wilson Street East – Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone</p> <ul style="list-style-type: none"> <li>• To not require a minimum planting strip between a parking space or aisle and a street line, whereas a 3.0 metre wide planting strip is required;</li> <li>• To recognize a parking space size of 2.6 metres in width and 5.5 metres in depth, for the parking spaces existing on the date of the passing of the By-law;</li> <li>• To recognize the barrier free parking spaces existing on the date of the passing of the By-law;</li> <li>• To recognize the existing 9.34 metre setback from a streetline for the existing building at 259 Wilson Street East, instead of the maximum setback of 3.0 metres;</li> <li>• To permit a minimum 1.0 metre side yard setback for the existing building at 259 Wilson Street East, instead of the minimum 7.5 metres;</li> <li>• To permit the existing building height for the building at 259 Wilson Street East, instead of the maximum 9.0 metres;</li> <li>• To not require a planting strip along the northerly lot line of 259 Wilson Street East, instead of a minimum 1.5 metres wide planting strip; and,</li> <li>• To not require a visual barrier along the northerly lot line, whereas a visual barrier is required along the northerly lot line of 259 Wilson Street East.</li> </ul> <p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"> <li>• To amend the definition of a Landscape Parking Island to not require curbing, as required by recent amendments approved through By-law No. 24-052.</li> </ul> <p>The following modifications to the Council adopted Parking Regulations (By-law No. 24-052) of Zoning By-law No. 05-200 have been included in Appendix “H” to Report PED24107 to be held in abeyance until By-law No. 24-052 is in force and effect:</p> <ul style="list-style-type: none"> <li>• To reduce the minimum required size of a parking space from 2.8 metres in width by 5.8 metres in depth, to 2.6 metres in width and 5.5 metres in depth; and,</li> <li>• To reduce the minimum length of a required barrier free parking space from 5.8 metres to 4.4 metres.</li> </ul>

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<b>Documents</b>	
Modifications Proposed: <b>(Continued)</b>	<ul style="list-style-type: none"> <li>• To require a minimum accessible parking space size of 4.4 metres by 5.5 metres;</li> <li>• To not require a minimum planting strip between a parking space or aisle and a street line, whereas a 3.0 metre wide planting strip is required; and,</li> <li>• To not require Electric Vehicle Parking spaces for the existing 39 parking spaces.</li> </ul> <p>A complete analysis of the proposed modifications is attached as Appendix “E” to Report PED24107.</p>
<b>Processing Details</b>	
Received:	April 4, 2024.
Deemed Complete	April 26, 2024.
Notice of Complete Application:	Sent to 45 property owners within 120 metres of the subject lands on May 7, 2024.
Public Notice Sign:	Posted May 3, 2024.
Notice of Public Meeting:	Sent to 45 property owners within 120 metres of the subject lands on June 28, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “G” attached to Report PED24107.
Public Consultation:	An information letter prepared by the applicant’s agent was sent to addresses within 120 metres of the subject lands. Two members of the public requested additional information. The correspondence received by the applicant is included in Appendix “I” attached to Report PED24107.
Public Comments:	None Received.
Processing Time:	96 days from receipt of applications.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Place of worship and office use.	Neighbourhood Institutional (I1, 16) Zone and Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone.



**Surrounding Land Uses:**

North	Commercial uses, single detached dwelling and retirement home.	Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone, Existing Residential (ER) Zone and Residential Multiple “RM6-285” Zone, Modified.
South	Commercial uses.	Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone.
East	Place of worship.	Community Institutional (I2) Zone.
West	Park and museum.	Neighbourhood Institutional (I1) Zone.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

A full policy review has been provided for the Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) in Appendix “F” attached to Report PED24107.

**Provincial Policy Statement (2020)**

The proposal facilitates the future severance and merger of lands for an existing office use which utilizes existing municipal services, and therefore the proposal provides for the efficient use of land and resources by directing growth towards the existing settlement areas where there are municipal water and wastewater services.

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

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

The proposed development is located within a settlement area, is located along existing transit routes, and is serviced by municipal water and wastewater services.

Based on the foregoing, the proposal conforms to the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan**

The subject lands are designated “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations.

The property at 265 Wilson Street East is designated “Institutional” and 259 Wilson Street East is designated “Mixed Use Medium Density – Pedestrian Focus” in the Ancaster Wilson Street Secondary Plan.

The applicant is proposing to redesignate a portion of 265 Wilson Street East from “Institutional” to “Mixed Use Medium Density- Pedestrian Focus” in the Ancaster Wilson Street Secondary Plan to facilitate a future Consent to Sever application. A review of the applicable Official Plan policies is attached as Appendix “F” to Report PED24107.

Place of worship and office uses are permitted for lands designated “Mixed Use – Medium Density”. An office use is permitted for lands designated “Mixed Use – Medium Density – Pedestrian Focus” but is not permitted for lands designated “Institutional”. Therefore, to permit the severance and merger of lands and use of the existing parking area for the office use requires that the lands be re-designated.

The policies of the Ancaster Wilson Street Secondary Plan support shared access to Wilson Street East rather than providing access by way of an individual driveway access. Part of the existing parking area for the place of worship at 265 Wilson Street East is currently utilized by the existing office use at 259 Wilson Street East and secured with existing easements and through a long term lease. The existing parking for the place of worship for the office use currently share an existing access to Wilson Street East. The proposed development will maintain the existing shared access; however, reciprocal easements will be required to reflect the modified property lines between 265 Wilson Street East and 259 Wilson Street East, and this will be required as a part of a future application for Consent.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan subject to the Official Plan Amendment.

### **City of Hamilton Zoning By-law No. 05-200**

The proposed Zoning By-law Amendment includes the following:

- A change in zoning of the lands at 259 Wilson Street East from Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone to Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone;

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- A change in zoning of the land to be severed from 265 Wilson Street from Neighbourhood Institutional (I1, 16) Zone to Mixed Use Medium Density – Pedestrian Focus (C5a, 903) Zone; and,
- A change in zoning for the remaining lands at 265 Wilson Street East from Neighbourhood Institutional (I1, 16) Zone to Neighbourhood Institutional (I1, 16) Zone.

The intent of the proposed changes in zoning is to facilitate a future Consent to Sever application to sever and merge a portion of the existing parking lot associated with 265 Wilson Street East and merge the lands with the property at 259 Wilson Street East. Modifications to the Mixed Use Medium Density – Pedestrian Focus (C5a) Zone and Neighbourhood Institutional (I1) Zone are required to facilitate the proposed Consent to Sever application and recognize the location of the existing buildings on each lot. The modifications are summarized in Appendix “E” attached to Report PED24107.

**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: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan subject to the Official Plan Amendment; and,
  - (iii) The proposal is considered good planning and facilitates orderly development and efficient use of lands as it will facilitate the severance and merger of lands to provide on site parking associated with an existing office use.
2. The purpose of the Official Plan Amendment is to re-designate the lands to be severed from 265 Wilson Street East to be merged with 259 Wilson Street East from “Institutional” to “Mixed Use Medium Density – Pedestrian Focus” in the Ancaster Wilson Street Secondary Plan.

The proposed Official Plan Amendment can be supported as the proposal supports existing urban uses and focuses growth within a settlement area. The proposal will continue to utilize existing municipal services and will not impact

existing service capacity. The proposal will maintain the existing built form and parking areas and will not result in any adverse impact on the surrounding area.

Based on the foregoing and the analysis provided in Appendix “F” to Report PED24107, staff support the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment facilitates the future severance and merging of lands and recognizes the existing built form and parking areas. The proposal will not result in negative impacts to the surrounding area. The proposed change in zoning meets the intent of the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan subject to the Official Plan Amendment. Site specific modifications are required to facilitate the proposal which are identified on page 6 of Report PED24107 and discussed in detail in Appendix “E” attached to Report PED24107.

An additional By-law has been prepared in response to the recent changes to Section 5: Parking of Zoning By-law No. 05-200. By-law No. 24-052 was approved by Council on April 10, 2024, and is under appeal. The amendments proposed in Appendix "H" attached to Report PED24093 will be brought forward for approval by Council following the resolution of the appeals.

Therefore, staff support the proposed amendment to the Zoning By-law.

#### 4 Future Consent Applications

The applications for Official Plan Amendment and Zoning By-law Amendment are to facilitate the severance of a portion of the property at 265 Wilson Street East and to merge those lands to the property located to the south at 259 Wilson Street East. A future Consent to Sever application will be required to facilitate the severance and merger of the lands.

The existing situation with respect to the parking area includes long-term leases and easements over the lands at 265 Wilson Street East in favour of 259 Wilson Street East to permit parking for the office use at 259 Wilson Street East to utilize part of the parking on the lands at 265 Wilson Street East. The proposed future severance will alter the ownership of parts of the parking area; however, the layout will maintain a single access to Wilson Street East and shared internal driveway aisles. As the severance will change the property boundaries and change the ownership of the parking from exclusive ownership of the parking area to separate ownership of parts of the parking area, the existing easement would need to be replaced with reciprocal easements to ensure the continued functioning of the parking areas for the separate properties. Consent

applications will be required to establish the reciprocal easements to allow shared access over the respective properties. The applicant is required to secure a separate service connection for the severed and retained portion of the lands as part of the future consent application.

In addition, there are existing easements for access respecting 52 Sulphur Springs Road which provided the subject property with access to Sulphur Springs Road and allow the existing retirement home at 52 Sulphur Springs Road to access Wilson Street East. The change in property boundaries that are being proposed will impact any existing easement and therefore a revised easement will be required to allow continued access for all parties. Revised easements with respect to access for the lands at 52 Sulphur Springs Road will require approval of a consent application.

### **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the subject lands can be used in accordance with the Neighbourhood Institutional (I1,16) Zone for 265 Wilson Street East and Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone for 259 Wilson Street East, in the City of Hamilton Zoning By-law No. 05-200.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED24107 – Location Map  
Appendix “B” to Report PED24107 – Official Plan Amendment  
Appendix “C” to Report PED24107 – Zoning By-law Amendment  
Appendix “D” to Report PED24107 – Concept Plan  
Appendix “E” to Report PED24107 – Zoning Modification Chart  
Appendix “F” to Report PED24107 – Summary of Policy Review  
Appendix “G” to Report PED24107 – Department and Agency Comments  
Appendix “H” to Report PED24107 – Held in Abeyance Zoning By-law Amendment  
Appendix “I” to Report PED24107 – Comments from Applicant’s Consultation

DB/sd