SUBJECT: Application to Amend the Ancaster Zoning By-law No. 87-57 for Lands Located at 1144 Wilson Street West (Ancaster) (PED08081) (Ward 12)

RECOMMENDATION:

That approval be given to Zoning By-law Amendment Application ZAC-07-083, Wilson–Given Development Limited, owners, for a further modification to the General Commercial “C3-133” Zone to permit all of the uses under the General Commercial “C3” Zone, plus convenience retail stores, insurance offices, libraries, museums, art galleries, and Liquor Control Board of Ontario (LCBO) stores at 1144 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED08081, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED08081, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to Council for enactment until the owner prepares and submits a Traffic Impact Study for final approval, to the satisfaction of the Senior Project Manager of Traffic Engineering and Operations, Public Works Department.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.
EXECUTIVE SUMMARY:

The purpose of the Zoning By-law Amendment application is to permit a broader range of commercial uses on the lands located at 1144 Wilson Street West. The existing General Commercial “C3-133” Zone only permits the lands to be used for a retail furniture store. The applicant proposes to demolish the existing commercial building (formerly Harley’s Furniture) and to construct a new commercial plaza for General Commercial uses (refer to Appendix “B”).

The proposal has merit and can be supported since the proposed modifications to the General Commercial “C3-133” Zone are consistent with the Provincial Policy Statement, and conform with the Hamilton-Wentworth Official Plan and Ancaster Official Plan. The proposed uses are compatible with existing and planned development in the area.

Public Works Department staff has advised that a Traffic Impact Study is required to assess potential impacts on the Wilson Street-McClure Road, Garner Road-McClure Road and Garner Road-Shaver Road intersections. The study must address level of service (peak hour weekday a.m./p.m. and Saturday afternoon) at these intersections both pre- and post-development to a five year horizon, as well as include signal warrant analysis. Results of the study are to be submitted for Public Works Department staff approval prior to enactment of the Zoning By-law Amendment.

BACKGROUND:

Proposal

The application proposes the demolition of the existing commercial building (Harley’s Furniture) and the construction of a new commercial plaza, consisting of five buildings with a total building area of 4,726m² (50,870 ft²) and 200 parking spaces, for General Commercial uses plus convenience retail stores, insurance offices, libraries, museums, art galleries, and LCBO stores (refer to Appendix “B”). The proposed development details are as follows:

<table>
<thead>
<tr>
<th>Building</th>
<th>Number of Tenants</th>
<th>Building Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building “A”</td>
<td>1 larger tenant</td>
<td>660m² (7,100 ft²)</td>
</tr>
<tr>
<td>Building “B”</td>
<td>2 tenants</td>
<td>1,140m² (12,270 ft²)</td>
</tr>
<tr>
<td>Building “C”</td>
<td>9 tenants (120m²/unit)</td>
<td>1,080m² (11,625 ft²)</td>
</tr>
<tr>
<td>Building “D” (2 storeys)</td>
<td>2 tenants (gr. flr) medical offices (2nd flr)</td>
<td>Ground Floor 648m² (6,975 ft²) 2nd Floor 648m² (6,975 ft²)</td>
</tr>
<tr>
<td>Building “E”</td>
<td>1 larger tenant</td>
<td>550m² (5,920 ft²)</td>
</tr>
</tbody>
</table>
Details of Submitted Application

Location: 1144 Wilson Street West (Ancaster) (see Appendix “A”)

Owner: Wilson-Given Developments Limited

Property Description:

Frontage: 146.96m
Depth: 155.26m
Total Land Area: 1.42 ha (3.5 acres)

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant Commercial</td>
<td>General Commercial “C3-133” Zone</td>
<td></td>
</tr>
</tbody>
</table>

Surrounding Land:

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North:</td>
<td>Vacant and a Semi-Detached Dwelling</td>
<td>Agricultural “A” Zone</td>
</tr>
<tr>
<td>West:</td>
<td>Commercial</td>
<td>General Commercial “C3-183” Zone</td>
</tr>
<tr>
<td>South:</td>
<td>Commercial (Mini-Storage)</td>
<td>General Commercial “C3-511” Zone</td>
</tr>
<tr>
<td>East:</td>
<td>Commercial Plaza and Offices</td>
<td>General Commercial “C2-157” and General Commercial “C3-523” Zones</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Provincial Policy Statement;
   
   (ii) It conforms to the Hamilton-Wentworth Official Plan and the Ancaster Official Plan; and,
   
   (iii) It is compatible with the existing and planned development in the area.

2. The proposed commercial development is to be regulated by the General Commercial “C3” Zone provisions, with one site-specific amendment to reduce the westerly side yard from 7.5 metres to 3.0 metres. This variance is required to eliminate loading access and provide landscaping that will enhance the view of the rear façade that is exposed to Wilson Street West. The current 7.5 minimum side yard provides ample space for a loading space, driveway access, and
loading docks along the entire westerly side yard. By reducing it to 3 metres, the front of the building located along Wilson Street West can be shifted over and landscaping provided within the three metres, thereby eliminating the ability to accommodate loading facilities, and effectively providing a better urban design along the Wilson Street West frontage.

The additional uses requested, including convenience retail stores, insurance offices, libraries, museums, art galleries, and LCBO store, are supportable as they conform to the “Commercial” policies of the Ancaster Official Plan and the Duff’s Corners Area Specific Policy Area, and are in keeping with the type of commercial uses already permitted in the General Commercial “C3” Zone.

3. The proposal represents an opportunity for additional commercial uses on an existing commercial lot that is located on the south side of Wilson Street West. The proposed development is considered compatible with the scale and character of the existing commercial development in the surrounding area. The General Commercial “C3-133” zoning provides for a compatible lot frontage, lot area, building height and setbacks to the existing commercial developments in the surrounding area.

4. Site Plan Approval will be required to address the proposed re-development of the site, at which time matters such as dedication of required road widenings, landscaping, access, parking, grading and drainage, etc. will be reviewed.

**ALTERNATIVES FOR CONSIDERATION:**

If this application is denied, then the existing use of a retail furniture store is permitted in accordance with the current General Commercial “C3-133” Zone.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

Provincial Policy Statement

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. As the nature of the application
is for a modification in zoning to allow for additional commercial uses, the proposal is consistent with the PPS.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the “Urban Areas”.

As the nature of the application is for a modification in zoning to allow for additional commercial uses, the proposal is in conformity with the policies of the Hamilton-Wentworth Official Plan.

**Town of Ancaster Official Plan**

The subject property is designated as “Commercial” in the Town of Ancaster Official Plan.

“Policy 4.5.1 The predominant use of lands designated Commercial on Schedule B shall be for commerce, which is defined as the buying, selling or offering of goods and/or services and, without restricting the generality of the foregoing, medical clinics consulting physicians’ and dentists’ offices may also be permitted.

Policy 4.5.6 In addition to those uses permitted within the definition of Commercial, cultural, community, and institutional uses may also be permitted. These latter uses shall not interfere or conflict with the satisfactory development and operation of the area for the predominant uses and shall be subject to the Duff’s Corners Area policies.

Policy 4.5.9 All Commercial uses shall be developed in a co-ordinated and comprehensive manner. Whenever possible, regard shall be given to the grouping of Commercial uses; the sharing by them of limited number of access points, internal traffic circulation and parking; and the co-ordination of their landscape design.”

With regard for Policy 4.5.6, the request to permit libraries and museums conforms to this policy.

The proposal for a grouping of commercial uses conforms to the “Commercial” policies of the Ancaster Official Plan.

**Duff’s Corners Area**

The subject lands are designated as “Commercial” in the Duff’s Corners Area Specific Policy Area.
“Policy 5.5.5 The Commercial designation in Duff's Corners shall be subject to the following:

i) Development of commercially designated lands in Duff's Corners shall be encouraged on the basis of joint sharing of facilities, such as access and parking facilities, so that preference shall be given for development proposing the grouping of commercial facilities rather than development of individual commercial sites. In this regard, commercial uses shall serve:

(a) As support commercial functions for the nearby industrial uses and employees thereof;

(b) The commercial needs of the residents of the Town; and,

(c) The commercial needs of the travelling public, and without limiting the generality of the foregoing, may include banks, restaurants, retail stores, personal service outlets, business and professional offices, overnight accommodation facilities, cultural and recreation facilities.

ii) At all possible times, direct access to either Highway No. 53 or Wilson Street from commercial developments shall be discouraged. It is desirable that ingress and egress to and from commercial sites be via secondary roads connecting to the highways. A minimum number of accesses to highways shall be permitted and restricted to strategically located points;

iii) It is preferred that the lands be comprehensively developed, assuring adequate circulation of traffic through the lands without necessitating utilization of abutting roads;

iv) Encouragement shall be given to developing those lands adjacent to the southerly limit of Wilson Street for those commercial uses catering to the needs of the travelling public; and,

vi) Site plans to be prepared for the lands in the Commercial designation shall provide a high degree of emphasis on site design including landscaping of lands adjacent to roads, the surface treatment of driveways, walkways and parking areas and building design. Sign and lot lighting shall be controlled so as not to create an intensively bright area within the predominantly rural area when viewed from the road."

As the development proposes no access onto Wilson Street; the grouping of commercial uses; and a range of uses that will serve the needs of the industrial area, the residents of Ancaster, and the travelling public, it conforms to the policies of the Duff's Corners Area Specific Policy Area.
Subject: Application to Amend Ancaster Zoning By-law No. 87-57 for Lands Located at 1144 Wilson Street West (Ancaster) (PED08081) (Ward 12) - Page 7 of 8

Relevant Consultation:

Agencies/Departments Having No Concern or Objections:

- Hamilton Municipal Parking Services, Parking Services.
- Corporate Services Department, Budgets, Taxation and Policy Section.
- Culture and Recreation Department, Community Services Division.
- Public Works Department, Forestry and Horticulture Section.
- Hamilton Street Railway.
- Bell Canada.
- Horizon Utilities.

Public Works Department, Traffic Engineering and Operations Section

The proposed zoning By-law is requested to be held in abeyance until such time as the owner undertakes a Traffic Impact Study and it receives final approval from the Senior Project Manager of Traffic Engineering and Operations that determines the impacts, if any, on the intersections of Wilson Street and McClure Road, Garner Road and McClure Road, and Garner Road and Shaver Road. The study must include a level of service analysis of the weekday a.m. and p.m. peak hour, as well as the Saturday afternoon peak hour at these intersections, both pre and post development to a 5 year horizon period. The applicant will be expected to use 2008 actual volume data. This study must include signal warrant analysis based on 7 hour counts using the OTM Book 12 methodology. The Traffic Impact Study must be prepared and signed by a qualified Transportation Engineering professional with the intersection analysis on a CD disk in Synchro version 7.0.

Public Works notes that where traffic signals are warranted, the City of Hamilton will be investigating the feasibility of modern roundabouts as the preferred method of intersection control.

Public Consultation

In accordance with Council's Public Participation Policy, the application was pre-circulated to all property owners within 120 metres of the subject property and a sign was posted on the site. A total of 43 notices were circulated on December 3, 2007. To date, no responses have been received.

Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act, through circulation to property owners within 120 metres of the subject lands and the posting of a sign on the property.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced.  ☑ Yes  ☐ No
Shelter, care and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced.  ☑ Yes  ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced.  ☑ Yes  ☐ No
The economic base is diversified.

Does the option you are recommending create value across all three bottom lines?  ☑ Yes  ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?  ☐ Yes  ☑ No

:KW

Attachs. (3)
Development Concept for 1144 Wilson Street West
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 (Ancaster),
respecting lands located at 1144 Wilson Street West,
in the former Town of Ancaster,
now in the City of Hamilton

WHEREAS the City of Hamilton Act, 1999, Statues of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Township of Ancaster” and is the successor of the former Regional Municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council or the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Section ___ of Report ___ of the Economic Development and Planning Committee at its meeting held on the day of __________, 2008, recommended that Zoning By-law No. 87-57 (Ancaster) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster), in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by deleting the existing Special Provisions of the General Commercial “C3-133” Zone and replacing same with the following, on those lands shown outlined on the attached map, designated Schedule “A”, which is hereby declared to form part of this By-law:

“C3-133”

Notwithstanding any provisions to the contrary of Subsection 22.1 Permitted Uses and Subsection 22.2 Regulations of SECTION 22: GENERAL COMMERCIAL “C3” Zone, the following special provisions shall apply:

Permitted Uses:

(1) Convenience Retail Stores, Insurance Offices, Libraries, Museums, Art Galleries, and Liquor Control Board of Ontario (LCBO) Stores shall also be permitted.

Regulations:

(1) Minimum side yard of 3.0 metres shall be provided and maintained.

2. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this __________ day of __________________, 2008.

________________________________________________________________________
Fred Eisenberger
Mayor

________________________________________________________________________
Kevin C. Christenson
Clerk

ZAR-07-083
Appendix "C" to Report PED08081 (Page 3 of 3)

This is Schedule "A" to By-Law No. 08-
Passed the .......... day of .................., 2008

Clerk
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 08-____
to Amend By-law No.87-57

Subject Property

1144 Highway No. 2 (Ancaster)
Further Modification to the General Commercial "C3-133" Zone

Scale: N.I.S.   File Name/Number: ZAR-07-083
Date: Nov. 27, 2007   Planned/Technician: KW / MB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT