### RECOMMENDATION

(a) That approval be given to **Official Plan Amendment Application OPA-11-013, 2281453 Ontario Limited, Owner**, to add a Specific Policy Area to the “Residential” designation on Schedule “B”, Land Use - Urban Area, of the Ancaster Official Plan, to permit a Professional Business Office in the existing building, on the lands located at 114 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED12017, on the following basis:

(i) That the subject lands be identified as Specific Policy Area ____ on Schedule “F”, Specific Policy Area.

(ii) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED12017, be adopted by Council.

(iii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.
SUBJECT: Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 114 Wilson Street West (Ancaster) (PED12017) Ward 12) - Page 2 of 12

(b) That approval be given to Zoning By-law Amendment Application ZAC-11-059, 2281453 Ontario Limited, Owner, for changes in Zoning from the Residential “R3-289” Zone, Modified (Block 1), and the Existing Residential “ER” Zone (Block 2), to the Residential “R3-639” Zone, Modified, with a Special Exception, to permit a Professional Business Office in the existing building, on the lands located at 114 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED12017, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED12017, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Map 1 of Schedule “B” of Zoning By-law No. 87-57.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Town of Ancaster Official Plan upon finalization of proposed Official Plan Amendment No. [insert number].

EXECUTIVE SUMMARY

The purpose of these applications is to amend the Ancaster Official Plan with a Site Specific Policy and Ancaster Zoning By-law to permit a professional business office within the existing 2-storey building. The current site-specific zoning on the subject lands permits a travel agency in conjunction with a residential use.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, conforms to the Places to Grow Growth Plan, and complies with the Hamilton-Wentworth Official Plan. The proposal is compatible with the existing community as there is a mix of commercial and residential uses along Wilson Street West, and no additions to the existing building are proposed. All parking will be contained in the expanded parking lot in the rear yard of the property.

Alternatives for Consideration - See Page 11.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.
Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for an Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal

The purpose of these applications is to amend the “Residential” designation under the Ancaster Official Plan with a Site-Specific Policy, and the Ancaster Zoning By-law to permit a professional business office within the existing 2-storey building.

The applicant proposes to operate a professional business office within the existing building, with an expansion to the existing parking lot located in the rear yard to permit 12 parking spaces, including one barrier-free parking space (see Appendix “D”). Existing large calliper trees will not be impacted by the proposed development.

The current zoning, approved in 1986, restricts the use of the property to a travel agency and residential uses. A zoning violation with the previous owner was issued in 2009 due to the operation of a financial office without proper zoning requirements. Amendments to the Ancaster Official Plan and Ancaster Zoning By-law were, therefore, submitted in early 2010 to legalize the business office operation. However, due to non-planning related issues, these applications were closed in early-2011 prior to the Public Meeting being held. The current owner recently purchased the property and proposes to amend the Ancaster Official Plan and Ancaster Zoning By-law to permit the professional business office use within the existing building.

As the travel agency was permitted as a use ancillary to the primary residential use, it was deemed to conform to the Ancaster Official Plan at the time. However, as the current application will permit a professional business office with no residential use, an Official Plan Amendment is required, which is basis for the Official Plan Amendment application.

A Site Plan Application (MDA-11-133) has been submitted to facilitate landscaping and parking requirements (see below).

Site Plan Application (MDA-11-133)

A Site Plan Application was submitted concurrently with the Official Plan Amendment and Zoning By-law Amendment applications to facilitate the proposed development. No addition to the existing building is being proposed. The existing parking lot will be expanded from 4 parking spaces to 12 parking spaces, including 1 barrier-free parking space (see Appendix “D”). Various zoning requirements, such as planting strips and the surface treatment of the parking lot, will be addressed through the Site Plan process.
Approval of the Site Plan application has been held in abeyance until such time as Committee and Council makes a decision on the Official Plan Amendment and Zoning By-law Amendment applications.

**Chronology:**


October 7, 2011: Circulation of Notice of Complete Application and Preliminary Circulation of Application to all residents within 120 metres of the subject lands.

January 13, 2012: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

**Details of Submitted Application:**

**Location:** 114 Wilson Street West (Ancaster)

**Owner/Applicant:** 2281453 Ontario Limited

**Agent:** Millington & Associates

**Property Description:**

- **Lot Frontage:** 18.3 metres
- **Lot Depth:** 69.6 metres
- **Total Lot Area:** 1,272.1 square metres
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

EXISTING LAND USE AND ZONING

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Vacant Commercial</td>
<td>Existing Residential “ER” Zone, Residential “R3-289” Zone, Modified</td>
</tr>
</tbody>
</table>

Surrounding Lands:

<table>
<thead>
<tr>
<th>North</th>
<th>Veterinary Clinic</th>
<th>Urban Commercial “C4-273” Zone, Modified</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Financial Office</td>
<td>Residential “R3-460” Zone, Modified</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwelling</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Multiple Residential</td>
<td>Residential Multiple “RM3-277” and “RM3-278” Zone, Modified</td>
</tr>
</tbody>
</table>

POLICY IMPLICATIONS

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement policies that contribute to the development of healthy, liveable, and safe communities, as contained in Section 1.1.1. In particular, the application is consistent with Section 1.1.1b), where it accommodates an appropriate range and mix of residential and employment uses to meet long term needs, and Section 1.1.1e), which promotes cost-effective development standards to minimize land consumption and servicing costs.

The application is consistent with Policies 1.1.3.1 and 1.3.1 with respect to focusing growth and regeneration within existing Settlement Areas, and supports land use patterns based on a variety of densities and mix of uses. The subject property will be redeveloped to provide employment opportunities for residents and stimulate economic growth in the surrounding area, while respecting the land use patterns in the neighbourhood. Based on the foregoing, the applications are consistent with the Provincial Policy Statement.
Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The applications have been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe (Places to Grow). The application conforms to Section 1.2.2, where some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, “plan and manage growth to support a strong and competitive economy”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”.

In addition, the proposal also conforms to the policies that direct new growth to the built up areas, as per the policies contained in Sections 2.2.2 and 2.2.3 of the Places to Grow Plan. The proposal maintains the general intent to develop and create compact and complete communities as the existing 2-storey building will be maintained and converted for the proposed use. The proposed use will also provide employment opportunities for residents. Therefore, the applications are consistent with the Places to Grow Growth Plan for the Greater Golden Horseshoe.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within 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”. “Urban Areas” are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Policy C-3.1.1 states that a compact higher density urban form with mixed-use development in identified Regional and Municipal Centres, and along corridors, best meets the environmental, social, and economic principles of sustainable development. To ensure this, Policy C-3.1.1.6 promotes a mix of uses along each corridor that are appropriate for its size and function, and can be easily accessible by public transit.

On the basis of the foregoing, the proposal conforms to the Hamilton-Wentworth Official Plan as the proposed use meets the principles of sustainable development by providing a mix of residential and commercial land uses, is readily accessible by public transit, and promotes economic development.

Town of Ancaster Official Plan

The subject property is designated as “Residential” in the Town of Ancaster Official Plan. As such, the following policies apply:
"4.4.1 The predominant use of lands designated Residential on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains). Other uses which are considered necessary to serve the needs of the residents may also be permitted such as schools, parks, community centres, churches, day nurseries, and public utilities."

Based on the above “Residential” policies, the proposed use does not fall within the range of uses permitted within the designation. Consequently, an Official Plan Amendment has been submitted to permit the proposed use. A Site-Specific policy (see Appendix “B”) will restrict the permitted use to a professional business office. The “Residential” designation has been retained to maintain the general intent of the surrounding area as primarily a residential community, and is not considered as an extension of the existing commercial node along Wilson Street West to the east of the subject lands. However, it will complement the existing local commercial uses located immediately north and south of the subject property, and provides for a gradation of increasing commercial activity north of the subject property along Wilson Street West. The subject property is located in an area where there are existing commercial uses such as an existing veterinary clinic immediately to the north and a financial office immediately to the south.

The proposal is adequately served by a transportation route (Wilson Street West) to ensure ease of vehicular access. An expansion to the existing parking lot in the rear yard will provide additional on-site parking, while preventing additional pressures of on-street parking in the surrounding area. It is anticipated that the additional parking spaces will adequately serve the proposed professional business office use. Parking, in addition to landscaping, is currently being addressed through the Site Plan process.

Based on the review of the above policies, Planning staff has no objection to the Official Plan Amendment as the proposed commercial use will be clustered with similar commercial uses along Wilson Street West. In addition, concerns with respect to parking have been addressed through the expansion of the current parking lot located in the rear yard.

**New Urban Official Plan (Council Adopted)**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified. The Plan has been appealed to the Ontario Municipal Board (OMB), and no hearings have been set. The subject lands are designated “Neighbourhoods” on Schedule E - Urban Structure and Schedule E-1 - Urban Land Use Designations of the New Urban Hamilton Official Plan. The following Policies apply to the “Neighbourhoods” land use designation:
“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;

b) Open space and parks;

c) Local community facilities/services; and,

d) Local commercial uses.

3.8.1 Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.

3.8.2 The following uses shall be permitted:

a) Retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, medical office, business office, professional office, motor vehicle service station, personal service, place of worship, repair service, restaurant, retail, studio, art gallery, tradesperson shop, and veterinary service.”

The proposed development complies with the above mentioned policies as the proposal is in keeping with the existing commercial uses immediately to the north and south of the subject property. The proposed use would be considered a local commercial use as it caters to the local residents, and Policy 3.8.2 specifically lists business office and professional office as a local commercial use.

“3.8.9 Development and redevelopment of local commercial uses shall:

a) Front and have access to a major arterial, minor arterial, or collector road;

b) Provide safe and convenient access for pedestrians and cyclists; and,

c) Be compatible with the surrounding area in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.”
The proposed use has adequate frontage, has sufficient access to a major arterial road, and is compatible with the surrounding area with respect to design, massing, height, setbacks, and landscaping. The expansion of the existing parking lot will address parking requirements on site. Therefore, based on the foregoing, the proposal would conform to the “Neighbourhood” policies of the Urban Hamilton Official Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Traffic Engineering Section, Public Works Department.
- Environment and Sustainable Infrastructure Division, Public Works Department.
- Waste Management Division, Public Works Department.

Budgets and Finance Division (Corporate Services Department):

Staff has advised that there is an annual levy of $24.00 for sewers, expiring December 31, 2015. Previous outstanding taxes have been paid.

Parking and By-law Services Division (Hamilton Municipal Parking System):

The Hamilton Municipal Parking System has no concerns with the proposal as long as all parking requirements can be met on-site. There is very limited potential for overflow parking on the streets in the area and concerns have been raised on the existing deficiencies in parking and that no overflow parking may be available in the immediate area.

Forestry and Horticulture Section (Public Works Department):

Staff has advised that there is one Municipal Asset tree located on the road allowance in front of the subject property. The concept plan (see Appendix “D”) shows that it will not be impacted by the proposed development. Landscaping and the protection of trees will be addressed through the Site Plan process. As of early-December 2011, urban forestry is satisfied that the large calliper trees located on the subject property will not be impacted by the proposed development.

Public Consultation

In accordance with Council’s Public Participation Policy, the Official Plan Amendment and the Zoning By-law Amendment applications were circulated as part of the Notice of Complete Application to 174 residents within 120 metres of the subject lands on October 7, 2011. To date, no letters have been received expressing concerns with the application.
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. In addition, a Public Notice Sign was posted on the property on October 12, 2011.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

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

   (i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Growth Plan;

   (ii) It conforms to the Hamilton-Wentworth Official Plan and the New Urban Hamilton Official Plan; and,

   (iii) The proposed development will provide for a commercial use that would be complementary to the existing residential community, and is no less feasible than the current permitted use of a travel agency.

2. **Official Plan Amendment (OPA-11-013)**

   The purpose of the application is to establish a Site-Specific Policy Area to permit a professional business office within the existing building (see Appendix “B”). The current site-specific zoning permits a travel agency ancillary to the primary residential use which, at the time, was deemed to conform to the Ancaster Official Plan. However, as the current application will permit a professional business office with no residential use, an Official Plan Amendment is required.

   There is a mix of low and medium density residential and local commercial uses surrounding the subject property (i.e. financial office and veterinary clinic immediately to the south and north of the subject property, respectively), with an increased gradation of commercial uses to the south and north of the subject property, and an increase in residential uses to the west and east of the subject property. In addition, the existing parking lot is being expanded to contain all parking demands on-site (see Appendix “D”). Finally, the current owner is proposing to operate the professional business office within the existing building, and has no plans for additions to the building, thereby maintaining the character of the surrounding area.
3. **Zoning By-law Amendment (ZAC-11-059)**

The draft By-law will change the zoning from the Residential "R3-289" Zone, Modified, and Existing Residential “ER” Zone to the Residential "R3-639" Zone, Modified. The following modifications have been included in the draft By-law:

(a) **Professional Business Office Only as a Permitted Use**

The current zoning permits a single detached dwelling and a travel agency. The draft By-law will limit a professional business office to the building existing at the time of the passing of the By-law (see Appendix “C”). No additions are proposed to the existing building, and a future Zoning Amendment Application would be required should an addition to the existing building be proposed. This restriction also implements the draft Official Plan Amendment, which permits the use within the building existing at the time of the passing of the By-law (see Appendix “B”).

The “Residential” Zone has been maintained on the property and has not been zoned to a “Commercial” Zone. The Amendments to the Official Plan have also retained the underlying “Residential” designation and its general policies. Therefore, Planning staff supports the modification to the Zoning.

(b) **Loading space**

A minimum of one loading space is required. The existing 2-storey building currently does not have a loading space and the nature of the proposed business office use will not create demands for the loading of goods. As such, Planning staff has no objection to eliminating the requirement of a loading space.

4. **Staff notes that there are existing municipal sanitary and municipal storm sewers within the Wilson Street West road allowance that are servicing the existing building. In addition, the current sewer capacity is adequate for the expansion to the existing parking lot.**

**ALTERNATIVES FOR CONSIDERATION**

If the Zoning By-law and Official Plan Amendments are denied, the subject lands could be developed for uses permitted within the existing Residential “R3-289” Zone, Modified (i.e. residential and travel agency use).
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honesty, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

CORPORATE STRATEGIC PLAN


Financial Sustainability
• Effective and sustainable Growth Management.

Growing Our Economy
• Competitive business environment.
• A skilled and creative labour pool that supports new employers.

Social Development
• Hamilton residents are optimally employed earning a living wage.

Healthy Community
• Plan and manage the built environment.

APPENDICES / SCHEDULES

• Appendix “A”: Location Map
• Appendix “B”: Draft Official Plan Amendment
• Appendix “C”: Draft Zoning By-law Amendment
• Appendix “D”: Concept Plan

:TL
Attachs. (4)
Appendix “B” to Report PED12017
(Page 1 of 3)

Schedule “1”

Draft Amendment No. [Redacted]

to the

Official Plan of the Former Town of Ancaster

The following text, together with Schedule “A” - Specific Policy Area, Schedule F, attached hereto, constitutes Official Plan Amendment No. [Redacted] to the Official Plan of the former Town of Ancaster.

Purpose:

The purpose of this Amendment is to add a site-specific policy in order to permit a business office within the existing building at 114 Wilson Street West, in the former Town of Ancaster.

Location:

The lands affected by this Amendment, known municipally as 114 Wilson Street West, are located south of the intersection of Wilson Street West and Todd Street, in the former Town of Ancaster.

Basis:

The basis for permitting the proposal is as follows:

- The proposal is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

- The subject property is located along a major arterial road providing for vehicular and pedestrian access for customers of the proposed professional business office use. The expansion of the existing parking lot will sufficiently accommodate on-site parking demands.

- The proposal is consistent with the existing and planned development for the area as the surrounding uses are primarily commercial uses. The existing building maintains a consistent massing and density with the surrounding neighbourhood.
Actual Changes:

Text Changes:

1. Sub-section 5.7 be amended by adding an additional policy as follows:

   • “Specific Policy Area

   “The lands shown on Schedule “F” as Specific Policy Area shall be developed to permit a professional business office within the existing building on the lands at 114 Wilson Street West.”

Schedule Changes:

1. Schedule “F” - Special Policy Area - be revised by adding the subject lands as Specific Policy Area, as shown on the attached schedule “A” of this Amendment.

Implementation:

A Zoning By-law Amendment and Site Plan will give effect to this Amendment.

This is Schedule "1" to By-law No. 12-____, passed on the ____ day of ____, 2012.

The City of Hamilton

_______________________  ________________________
R. Bratina          Rose Caterini
Mayor       Clerk
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 114 Wilson Street West, in the former Town of Ancaster, now in the City of Hamilton

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 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 “The Corporation of the Town of Ancaster” and is the successor to 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 of 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 Item ______ of Report 12-____ of the Planning Committee, at its meeting held on the ___ day of ____, 2012, recommended that Zoning By-law No. 87-57, be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster) upon the approval of Official Plan Amendment No. ______.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 1 of Schedule “B”, appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:

   (a) By changing the zoning from the Residential “R3-289” Zone, Modified, to the Residential “R3-639” Zone, Modified, the lands comprised of Block 1;

   (b) By changing the zoning from the Existing Residential “ER” Zone to the Residential “R3-639” Zone, Modified, the lands comprised of Block 2;

   on the lands the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this By-law.

2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-section:

   R3-639 That notwithstanding the provisions of Section 11 Residential “R3” Zone and 7.14 of Section 7: General Provisions, the following special provisions shall apply to the lands zoned “R3-639”, described as 114 Wilson Street West:

   1.0 Permitted Uses:

      Notwithstanding Section 11.3.1, a Professional Business Office shall be permitted only within the building existing on the date of the passing of this By-law, being the day of , 2012.

   2.0 Regulations:

      Notwithstanding Sections 11.1.2 and 7.14, the following provisions apply:

      (a) Minimum Loading No loading spaces shall be required.

3. That By-law 86-96 is hereby repealed in its entirety, and Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster) is hereby amended by deleting Special Exception “R3-289” in its entirety.

4. That 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 [Date] day of [Month], 2012.

________________________________________  ______________________________________
R. Bratina                                    Rose Caterini
Mayor                                        Clerk

ZAC-11-059 / OPA-11-013
Schedule "A"

Map Forming Part of
By-Law No. 12-____
to Amend By-law No. 87-57

This is Schedule "A" to By-Law No. 12-
Passed the .......... day of ......................, 2012

Clerk

Mayor

Subject Property
114 Wilson Street West

Block 1 - Change in Zoning from the Residential "R3-289" Zone, Modified, to the Residential "R3-639" Zone, Modified.

Block 2 - Change in Zoning from the Existing Residential "ER" Zone to the Residential "R3-639" Zone, Modified.