SUBJECT: Application to Amend the Ancaster Zoning By-law No. 87-57 for Lands Located at 1492 Wilson Street West (Ancaster) (PED07147) (Ward 12)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-07-003, 1340778 Ontario Inc., (Arie Koppelaar) owner, for a change in zoning from the Urban Commercial “C4-130” Zone to the Prestige Industrial-Holding “M2(H)” Zone, to permit industrial and ancillary uses, including professional offices and banks, for lands located at 1492 Wilson Street West, as shown on Appendix “A” to Report PED07147, on the following basis:

(a) That the zoning of the subject lands be changed from the Urban Commercial “C4-130” Zone to the Prestige Industrial-Holding “M2 (H)” Zone.

(b) That an ‘H’ Holding symbol be applied to the subject lands under Section 36(1) of the Planning Act, by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning. The Holding provision will prohibit the development of the subject lands until the applicant completes an Archaeological Assessment to the satisfaction of the Ministry of Culture and the Director of Development and Real Estate, Planning and Economic Development Department.

City Council may remove the ‘H’ symbol and, thereby, give effect to the Prestige Industrial “M2” Zone by enactment of an amending By-law once the condition is satisfied.
SUBJECT: Application to Amend the Ancaster Zoning By-law No. 87-57 for Lands Located at 1492 Wilson Street West (Ancaster) (PED07147) (Ward 12)

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(c) That the Draft By-law, attached as Appendix “B” to Report PED07147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(d) That the proposed change in zoning conforms to the Town of Ancaster Official Plan and the Hamilton-Wentworth Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The proposed Zoning By-law Amendment is requested to facilitate new development on the former Sundown Motel site located at 1492 Wilson Street West, west of Tradewind Drive in the Ancaster Industrial Park at Duff’s Corners. The proposed Prestige Industrial “M2” zoning would allow for a range of industrial and ancillary service uses such as professional offices and banks, subject to specific regulations to ensure a high standard of development.

The proposed zoning would be consistent with the zoning for adjacent properties within the Ancaster Business Park that front onto Wilson Street West. There were no major concerns provided by the commenting agencies; however, it has been determined that an Archaeological Assessment is required and an ‘H’ Holding provision has been added to the Prestige Industrial “M2” zoning. The proposal is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the Ancaster Official Plan.

BACKGROUND:

The applicant is proposing a Zoning By-law Amendment to change the zoning of the property at 1492 Wilson Street West from the Urban Commercial “C4-130” Zone to the Prestige Industrial “M2” Zone. The subject property was the site of the former Sundown Motel, which was demolished in 2006. The current “C4-130” Zone is site-specific and only permits a motel. The proposed Prestige Industrial “M2” Zone would allow for a range of industrial uses and complementary commercial uses (see Appendix “D”).
The “M2” Zone has specific provisions to prohibit outside operations and open storage and to regulate landscaping, loading spaces, accessory buildings and showrooms for retail sales.

A conceptual site plan has been provided indicating the development of a future 2-storey building on the subject property comprising 3,716 square metres of gross floor area (40,000 square feet) (see Appendix “C”). The applicant has indicated that the uses which are being considered for this building include professional offices or a bank.

**Details of Submitted Application**

**Owner:** 1340778 Ontario Inc. (Arie Koppelaar)

**Agent:** Peter Van Brugge

**Location:** 1492 Wilson Street West (see Appendix “A”)

**Property Size:**
- Frontage: 106.68 metres
- Depth: 111.25 metres
- Area: 1.18 ha.

**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</td>
<td>Urban Commercial “C4-130” Zone</td>
</tr>
<tr>
<td>Former Sundown Motel</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Lands:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>Vacant</td>
</tr>
<tr>
<td>North</td>
<td>Driving Range and Golf Centre (Oak Gables), vacant commercial property (Imperial Oil Limited)</td>
</tr>
<tr>
<td>East</td>
<td>Vacant</td>
</tr>
<tr>
<td>South</td>
<td>Manufacturing (Micro Automation, 1451 Sandhill Drive), Servco Manufacturing, 1433 Sandhill Drive</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 Places to Grow Plan and the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

   (ii) It conforms to the “Industrial” policies and the Duff’s Corners Special Policy Area policies of the Ancaster Official Plan.

   (iii) It is consistent with the zoning of other undeveloped industrial properties along Wilson Street West, which comprise part of the Ancaster Business Park.

2. The proposed rezoning is consistent with the policies of the Provincial Places to Grow Plan with respect to the preservation and promotion of Employment Areas. In particular, the proposal maintains the intent and policy direction of Places to Grow by creating expanded economic opportunities which are not available under the current Urban Commercial “C4-130” zoning. The proposed zoning allows uses consistent with the definition of “Employment Area” in the Growth Plan.

3. The applicant’s proposal to develop the property with a business/professional office or bank would conform to the policies of the Hamilton-Wentworth Official Plan and the Ancaster Official Plan which permit offices as a primary use, and ancillary and service type uses such as banks to support the main industrial uses within the area. The proposed zoning provides a full range of primary and ancillary uses in accordance with the policies.

4. The subject property would meet the minimum lot area and lot frontage requirements of the Prestige Industrial “M2” Zone and is within the general size range of adjacent industrial properties. The proposed use of a business and professional office can be accommodated under the standard Prestige Industrial “M2” Zone as a type of “Non-retail commercial use” and does not require a site-specific zoning (Appendix “D”). A bank is also permitted as-of-right. A draft amending Zoning By-law is provided in Appendix “B”.

5. To address the concerns noted with respect to the archaeological potential of the property, an Archaeological Assessment will be required to be completed. An ‘H’ Holding Provision will be added as a suffix to the recommended zoning until
the archaeological requirements have been completed to the satisfaction of the Ministry of Culture and the Director of Development and Real Estate.

6. The future width of the section of Wilson Street West that is adjacent to the subject property is 45.72 metres (150 feet). To accommodate this ultimate width, the owner will be required to dedicate approximately 6.096 metres (20 feet) of land along the frontage of the property to the City for road widening purposes at the site plan approval stage.

7. While a concept plan showing a proposed office building or bank has been provided in Appendix “C”, the development of the property will require Site Plan Approval. This process will allow for the review of building location, access, parking, landscaping, etc. The proposed concept will need to be revised to allow only one driveway onto Wilson Street West in accordance with Traffic staff comments.

The Site Plan Approval process will also ensure that the development maintains a high quality of urban design for prestige industrial development in recognition of the site’s exposure along an arterial road and adjacent to the westerly entrance to the Ancaster Business Park.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed application for amendment to the Zoning By-law be denied, the subject lands may be used in accordance with the Urban Commercial “C4-130” Zone for the development of a motel.

**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:

Places to Grow Growth Plan

The application conforms to the Growth Plan which encourages the retention and enhancement of employment lands. Policy 2.2.6.1 states that an adequate supply of lands providing for a variety of appropriate employment uses will be maintained to accommodate the growth forecasts (in Schedule 3). The proposal would add to the supply of the City’s employment lands through the provision of zoning that would enable a former commercial property to be integrated into the Ancaster Business Park.

The Growth Plan defines “Employment Area” as an area designated in an Official Plan for clusters of business and economic activities including, but not limited to manufacturing, warehousing, offices, and associated retail and ancillary facilities. The subject property is within a designated industrial park and the proposed “M2” zoning would allow for a range of uses which are consistent with this definition.

Provincial Policy Statement

The application is consistent with the policies that promote economic development and competitiveness in Employment Areas, Policy 1.3.1. As the nature of the application is for a change in zoning from site-specific commercial to industrial zoning, within an existing Employment Area, the proposal is consistent with the policies of the PPS.

The subject property has been determined to be an area of archaeological potential. Policy 2.5.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. The applicant is requested to conduct Stage 1 and 2 archaeological assessments prior to disruption of the site in order to address archaeological concerns and mitigate adverse impacts to any significant archaeological resources found. Further Stage 3 Testing and Stage 4 Mitigation may be required as determined by the Ontario Ministry of Culture if archaeological resources are identified on-site. Staff proposes an ‘H’ Holding provision to secure this requirement.

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban Area-Business Park” in the Hamilton-Wentworth Official Plan. Policy C.3.1.3 allows a wide range of uses including industrial-based, service type and grouped commercial uses, based on full municipal services, to be concentrated in Business Parks.
Policy C.3.1.3.2 directs that Business Parks shall permit grouped commercial uses of a retail or a service nature such as banks, restaurants and professional offices that will not adversely affect established and/or approved retail areas. Such uses will be directed to locations along major roads or in designated commercial nodes within the parks.

As the subject property is located along an arterial road and the proposal contemplates a scale of development that would not negatively affect the established commercial area at Duff’s Corners, the proposed rezoning would not be in conflict with this policy. Further, the ancillary uses are intended to complement the Business Park by providing services for the employees of the park. It is intended through this Policy that service-oriented uses permitted under the “M2” Zone be developed as part of a cluster or grouping of service uses rather than as free-standing uses.

As the nature of the application is for a change in zoning from site-specific commercial to industrial, where full municipal services are available, the proposal is consistent with the policies of the Hamilton-Wentworth Official Plan.

Ancaster Official Plan

The subject property is designated “Industrial” in Schedule “B”, Land Use – Urban Area in the Ancaster Official Plan. The following policies from the Ancaster Official Plan, among others, are applicable to this proposal:

“Policy 4.6.1 The predominant use of lands designated Industrial on Schedule “B” shall be for enclosed warehousing, offices, limited product distribution services, product showroom and display centres, research and development facilities. In addition, such manufacturing or processing operations free from emissions of dust, odour, fumes, particulate matters, noise and excessive vibrations may be permitted.

Policy 4.6.3 Ancillary and service type uses supporting the primary activities as well as recreational facilities and office development associated with the primary uses may be permitted.”

The Official Plan policies support a range of uses including offices as a primary use and ancillary commercial uses which serve the employees of the Ancaster Industrial Park. The range of uses permitted within the Prestige Industrial “M2” Zone would be consistent with the Industrial policies.
The subject property is further designated “Special Policy Area 2” on Schedule “F” of the Ancaster Official Plan, which addresses commercial and industrial development in the Duff’s Corners Area.

“The requirement for an overall Secondary Plan is no longer considered to be applicable to lands within the Ancaster Business Park. In lieu of a Secondary Plan, the development of this area has been guided by Map 5 to Schedule “A” of the Ancaster Zoning By-law for the Industrial Area (see Appendix “E”). This map has served as a type of Neighbourhood Plan and has identified the preferred arrangement of Industrial zoning and the internal road network for Duff’s Corners. To date, the central portion of the Business Park, which includes much of the area that is now developed and the lands along Wilson Street West, including the subject property, has evolved through the approval of 6 Registered Plans (representing 4 Phases, between 1983 and 2000) and the provision of a Stormwater Master Plan in 1990. Much of this area includes the internal roads of Sandhill Drive, Tradewinds Drive and Osprey Drive. The subject property is within an area that was not part of a Registered Plan, however, full municipal services are available and the property is bounded by future industrial sites.
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along Wilson Street West and at the entrance to Tradewinds Drive which are under the “M2” Zone.

It is anticipated that future development in this area will continue to be guided by Map 5 to Schedule “A” of the Ancaster Zoning By-law and through the approval of Registered Plans of Subdivision. As the subject property is a remnant commercial parcel with site-specific zoning, within a serviced area, and is similar in size to the adjacent properties, it is appropriate for it to be included in the “M2” Zone.

RELEVANT CONSULTATION:

Departments/Agencies having no concerns or objections:

- Open Space Development Section, Public Works Department.
- Strategic and Environmental Planning, Public Works Department.
- Forestry and Horticulture, Operations and Maintenance, Public Works Department.
- Parking Services, Planning and Economic Development Department.
- Grand River Conservation Authority.

Traffic Engineering Section, Operations and Maintenance Division, Public Works Department

Traffic Engineering has advised that Wilson Street West is a controlled access road and that it will be necessary to restrict access to one driveway. The applicant’s proposed concept plan (Appendix “C”) will need to be modified to reflect this requirement at the Site Plan Approval stage.

Public Consultation

In accordance with the Public Participation Policy, approved by City Council on May 29, 2003, this application was precirculated to all property owners within 120 metres and a sign was posted on the site. A total of 21 notices were circulated. 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 the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and 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
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported. 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

:CT
Attachs. (5)
CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 87-57 (Ancaster), as amended, respecting lands located at 1492 Wilson Street West (Ancaster)

WHEREAS the City of Hamilton Act, 1999, Statutes 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 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 Section __________ of Report __________ of the Economic Development and Planning Committee at its meeting held on the __________ day of __________, 2007, 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 (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. Map 5 to Schedule “A” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Urban Commercial “C4-130” Zone to the Prestige Industrial-Holding “M2(H)” Zone, the lands the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law.

2. That the ‘H’ symbol shall be removed conditional upon:

   (i) The owner conducting an archaeological assessment of the entire development property and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found to the satisfaction of the Ministry of Culture, and the City’s Director of Development and Real Estate.

   City Council may remove the ‘H’ symbol and, thereby, give effect to the Prestige Industrial “M2” Zone, by enactment of an amending By-law once the condition is satisfied.

3. 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 [insert date] day of [insert date], 2007.

__________________________             __________________________
Fred Eisenberger                   Kevin Christensen
Mayor                             Clerk

ZAC-07-003
Appendix “B” to Report PED07147 (Page 3 of 3)

This is Schedule "A" to By-Law No. 07-
Passed the .......... day of ...................., 2007

Clerk

Mayor

Schedule "A"

Map Forming Part of By-Law No. 07-_____

to Amend By-law No.87-57

Subject Property
1492 Wilson Street West, Ancaster

[Diagram showing map with notes: Change from Urban Commercial "C4-130" Zone to Prestige Industrial - Holding "M2(H)" Zone]

Scale: N.T.S.

File Name/Number: ZAC-07-003

Date: April 12th 2007

Planner/Technician: CT/MF

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
SECTION 27:  PRESTIGE INDUSTRIAL “M2” ZONE  
LIGHT INDUSTRIAL “M3” ZONE  
GENERAL INDUSTRIAL “M4” ZONE  

No person shall within any Prestige Industrial “M2” Zone, Light Industrial “M3” Zone or General Industrial “M4” Zone, use any land, or erect, alter or use any building or structure except for such purposes and in accordance with the following provisions:

27.1 Permitted Uses

- Manufacturing uses
- Wholesale establishments
- Warehousing
- Transportation depots and truck terminals
- Other industrial uses
- Non-retail commercial uses
- Lumber and building materials yards
- Motor vehicle gasoline bars, including servicing of motor vehicles
- Restaurants
- Banks, Convenience Stores
- Public uses and operations
- Communication facilities
- Union halls
- Recreation facilities
- Existing agricultural uses except poultry farms, mushroom farms, fur farms, piggeries and greenhouses
- Uses, buildings and structures accessory to the foregoing