**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

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**TO:** Chair and Members  
Planning Committee  

**WARD(S) AFFECTED:** WARD 12

**COMMITTEE DATE:** September 7, 2011

**SUBJECT/REPORT NO:**  
An Application for a Draft Plan of Vacant Land Condominium and an Amendment to Zoning By-law 87-57 for Lands Located at 143 and153 Wilson Street West (Ancaster) (PED11112) (Ward 12)

**SUBMITTED BY:**  
Tim McCabe  
General Manager  
Planning and Economic Development Department

**PREPARED BY:**  
Edward John  
(905) 546 2424, Ext. 5803

**SIGNATURE:**

**RECOMMENDATION:**

(a) That approval be given to **Zoning Application ZAC-10-050, 153 Wilson Street West (Ancaster) Ltd. and Garth Trails Ltd. (Ward Campbell), Owners**, for a change in zoning from the Residential “R2” Zone to the Residential “R4-637” Zone, Modified, with a Special Exception, on lands located at 143-153 Wilson Street West, (Ancaster), as shown on Appendix “A” to Report PED11112, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED11112, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed change in zoning is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Ancaster Official Plan.
(b) That approval be given to **Draft Plan of Vacant Land Condominium 25CDM-201016, 153 Wilson Street West (Ancaster) Ltd. and Garth Trails Ltd. (Ward Campbell), Owners**, to create 1 Block and 8 units. Units 1-8 will be developed as single-detached residential units, and Block 9 will be developed as a common element (Private) Roadway, subject to the following conditions:

(i) That this approval applies to the plan prepared by A.J. Clarke & Associates Ltd., signed by B.J. Clarke Ontario Land Surveyor, dated February 28, 2011, showing the following condominium elements: 1 block for a roadway, and 8 units for single-detached residential units, attached as Appendix “C” to Report PED11112.

**Development Planning:**

(ii) That, prior to the issuance of building permit(s), the owner shall submit and receive final approval of design details concerning Units 1, 4, 5, and 8, demonstrating that they are in accordance with City of Hamilton Site Plan Guidelines, to the satisfaction of the Manager of Development Planning.

(iii) That the owner covenants and agrees that no plan of condominium shall be registered on the lands of the Draft Plan until the owner has provided the Director of Planning with a list, certified by an Ontario Land Surveyor, showing the net area and width of each lot and block created by registration of a condominium plan, including the gross area of the plan to be registered, and that the Director of Planning has confirmed to the owner that the lots and blocks within the plan comply with the City's requirements for zoning.

(iv) That the owner provides the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information.

(v) That the owner agrees to construct acoustical barriers to shield the outdoor living areas of Units 1 and 8, respectively, as indicated on Figure 3.2 - Noise Contours and Mitigation Requirements of the December 21, 2010 Noise Impact Study, prepared by Paradigm Transportation Solutions Ltd. The barriers shall have a minimum height of 2.1 metres, and be constructed of a material with a minimum surface density of 20 kg/m².
(four pounds per square foot) and be in a continuous line without openings or gaps.

(vi) That the owner agrees that Units 1, 2, 7, and 8 shall be fitted with a forced air heating system and the ducting, etc., shall be sized to accommodate central air conditioning if it is found to be necessary for the owner/occupant at any time in the future.

(vii) That the owner agrees to include the following clause within all offers and agreements of purchase and sale or lease for Units 1 and 8:

“Purchasers/tenants are advised that the acoustical barrier, as installed, shall be maintained, repaired, or replaced by the Owner/Condominium Corporation. Any maintenance, repair, or replacement shall be with the same material and to the same standards as the original.”

(viii) That the owner agrees to include the following warning clauses within all offers and agreements of purchase and sale or lease for Units 1, 2, 7, and 8:

“Purchasers/tenants are advised that despite the inclusion of noise control features in this development and within the building units, sound levels due to increasing road traffic on Wilson Street West may, on occasion, interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

“This dwelling unit has been fitted with a forced air heating system and the fans, ducts, etc., were sized to accommodate the installation of a central air conditioning system if it is found necessary by the owner/occupant at any time in the future. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices, and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”

(ix) That the owner agrees that prior to the issuance of building permit(s) for Units 1 and 8, which have been identified for noise mitigation measures, the builder’s plans shall be certified by a Professional Engineer qualified to provide acoustical engineering services in Ontario as being in compliance with the recommendations of the Noise Impact Study,
prepared by Paradigm Transportation Solutions Ltd., dated December 21, 2010, as approved, to the satisfaction of the Manager of Development Planning. Prior to final inspection and release for occupancy, Units 1 and 8 shall be certified by a Professional Engineer qualified to provide acoustical engineering services in Ontario as being in compliance with the recommendations of the Noise Impact Study, dated December 21, 2010, as approved, to the satisfaction of the Manager of Development Planning.

(x) That the owner agrees to follow the City of Hamilton Standards for Street Name Signs on Private and Condominium Lanes Policy, including the construction, installation, and maintenance of such signs, to the satisfaction of the Director of Planning.

(xi) That the owner chooses a street name from the pre-approved Ancaster Street name list.

(xii) That the owner provides satisfactory evidence demonstrating that all maintenance easements are registered on title, to the satisfaction of the Director of Planning.

(xiii) That the owner agrees to include the following warning clauses within all offers and agreements of purchase and sale or lease for all units:

“The development is eligible for Municipal Garbage collection; however, private arrangements through the Condominium Corporation may be required to ensure the garbage is brought to the Municipal Street (Wilson Street West)”.

Hamilton Conservation Authority:

(xiv) That the owner prepares and agrees, in writing, to implement the recommendations of a Geotechnical Report, to the satisfaction of the Hamilton Conservation Authority.

Engineering:

(xv) That, should servicing be private, the owner will include a clause in all agreements of purchase and sale clearly advising all potential purchasers that this development has been serviced with a ‘private’ sanitary sewage disposal system (pumping station), which is to be owned, operated, and maintained, at the sole expense of the Condominium Corporation, to the satisfaction of the Senior Director of the Growth Management Division.
Hydro One:

(xvi) That the owner agrees to any potential easements that may be required, and will be identified on completion of the design of the electrical distribution system.

Canada Post:

(xvii) That the owner completes, to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:

(a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:

   (i) That the home/business mail delivery will be from a designated Centralized Mail Box.

   (ii) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

(b) That the owner further agrees to:

   (i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.

   (ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes.

   (iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

   (iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
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(c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility, at their own expense, will be in affect for buildings and complexes with a common lobby, common indoor, or sheltered space.

(c) That approval be given to Urban Hamilton Official Plan Amendment No. to permit a low density residential development within the Mixed-Use Medium Density Designation, and to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 143 and 153 Wilson Street West (Ancaster), as shown on Appendix “E” to Report PED11112.

EXEClCUTIVE SUMMARY

The purpose of the applications is for approval of a Draft Plan of Vacant Land Condominium and changes in zoning in order to permit the re-development of the subject lands for 8 single-detached family dwellings. Given the width of the lot, and in the interest of efficient lot creation, the dwellings would be accessed from a Common Element (Private) Driveway.

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement, conforms with the Growth Plan, and implements the intent of the Hamilton-Wentworth Official Plan and the Ancaster Official Plan. The proposal is compatible with surrounding residential uses and will make efficient use of existing services.

Alternatives for Consideration - See Page 20.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial  N/A.

Staffing  N/A.

Legal  As required by the Planning Act, Council shall hold at least one (1) Public Meeting prior to passing a Zoning By-law Amendment and Vacant Land Condominium.

HISTORICAL BACKGROUND (Chronology of events)

The applicant has applied for a Draft Plan of Condominium and Zoning By-law Amendment, for lands located at 143 and 153 Wilson Street West (Ancaster), in order to permit the development of an 8 unit, residential development (see Appendix “A”).
To facilitate the development, it is proposed that the subject lands be accessed by a private condominium road located within the middle of the subject lands. Each of the proposed 8 units would have direct frontage and access onto the condominium road, and no direct access from the proposed units is proposed from Wilson Street.

The development will be comprised of single-detached dwellings (see Appendix “C”). The applicant has requested a number of modifications to the amending “R-4” zone, as follows:

- A reduced Minimum Lot Area for a corner unit of 475 sq.m, whereas a Minimum of 500 sq.m is required.
- A reduced Minimum Front Yard of 4.5m to the unit and 6.0m to the garage, whereas a Minimum of 7.5m is required.
- A reduced Minimum Side Yard for corner lots of 4.5m, whereas a Minimum of 5.2m is required.
- An increased Maximum Lot Coverage of 48%, whereas a Maximum of 35% is permitted.

Furthermore, a technical modification would be required to ensure for the purposes of zoning, a lot shall be permitted to have frontage on a private street.

**Chronology:**

**July, 2010:** Formal Consultation Application submitted.

**August, 2010:** Site Visit.

**September, 2010:** Formal Consultation Document provided to applicant listing all required studies.

**December, 23 2010:** Formal Amendment Applications received to permit proposed residential development.

**January 19, 2011:** Formal Amendment Applications deemed complete and circulated.

**June 3, 2011:** Engineering and Public Works confirm concern over water capacity to be resolved.

**August 19, 2011:** Notice of Public Meeting circulated.
DETAILS OF SUBMITTED APPLICATION:

Owner/Applicant: Garth Trails Ltd. (Ward Campbell)

Agent: Starwood Homes (Amanda Ma)

Location: 143 and 153 Wilson Street (Ancaster)

Description: Frontage: 63 metres (Approx.)
Lot Area: 4,723m²

EXISTING LAND USE AND ZONING:

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<th>Existing Zoning</th>
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<tr>
<td>South</td>
<td>Apartment Building</td>
<td>Residential Multiple “RM6-278” Zone</td>
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<tr>
<td>West</td>
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<tr>
<td>East</td>
<td>Apartment Building</td>
<td>Residential Multiple “RM6-530” Zone</td>
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POLICY IMPLICATIONS

Provincial Growth Plan for the Greater Golden Horseshoe

The application has been reviewed with respect to the Provincial Growth Plan for the Greater Golden Horseshoe (Places to Grow). Staff considers the application to conform with the policies that manage growth, and direct general residential intensification to the built up areas, as per the Policies contained in Sections 2.2.2 and 2.2.3.

The proposal maintains the intent to create vibrant neighbourhoods, which provide residential uses that are transit supportive.
Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

However, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Staff notes that the subject lands are intended to be developed for residential purposes and are located adjacent to Wilson Street West. The proximity of the proposed sensitive land use to a road noise source triggers the requirement for a Noise Study. Accordingly, staff had required the submission of a Noise Study with the subject applications. Staff notes that a Noise Study, titled “143 and 153 Wilson Street West Traffic Noise Study”, dated December 21, 2010, and prepared by Paradigm Transportation Solutions Limited, was submitted with the subject applications. This Study has been reviewed by staff and is subject to Condominium Conditions Nos. (v) to (ix). No further noise concern remains outstanding.

In addition, Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified (i.e. significant wetlands) unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. Staff notes that the subject property is located adjacent to the Dundas Valley Environmentally Significant Area (ESA #41). However, as detailed in the comments from Hamilton Conservation Authority, the subject property is situated to the south and entirely outside of the ESA. As such, staff is satisfied that the above requirements of the PPS are satisfied.

Niagara Escarpment Plan

The subject lands are within the Urban Area designation in the Niagara Escarpment Plan (NEP). Permitted uses and, in this case, the creation of new residential units, are subject to municipal Official Plans and applicable Zoning By-laws which, in this instance, raise no conflict issues with the NEP.

Hamilton-Wentworth Official Plan

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

However, Policy C-1.2.2 of the Plan states that land use changes in or adjacent to Environmentally Significant Areas will only be permitted where such development:

i) Will not adversely affect, degrade, or destroy any of the qualities which are the basis for the area’s designation;

ii) Will not cause any significant impacts upon water quality and quantity; and,

iii) Will not adversely affect the implementation of any resource protection policies or plans.

As noted above, the subject property is located adjacent to the Dundas Valley Environmentally Significant Area (ESA #41), but following review by the Hamilton Conservation Authority, is considered entirely outside of the ESA and, as such, they are satisfied that the above requirements of the Hamilton-Wentworth Official Plan are satisfied.

**Ancaster Official Plan**

The subject lands are designated “Residential” on Schedule ‘B’, Land Use - Urban Area Plan, in the Ancaster Official Plan. The “Residential” designation permits residential, institutional, and parkland uses, as detailed in Policy 4.4.1, which states:

“**Policy 4.4.1** The predominant use of the 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…”

It is noted that the proposal would provide for a residential development with urban services. As such, staff considers the proposal to conform with the “Residential” designation in the Ancaster Official Plan.

Similarly, as discussed in the Analysis/Rationale for Recommendation section of this Report, the proposed zoning and condominium applications, in order to permit 8 residential units on a Condominium Road, would be consistent with Policy 4.4.6, which states:

“**Policy 4.4.6** Although single-detached dwellings shall predominate, Council shall encourage a broad range and mix of residential units in terms of lot size, unit size, type, and tenure…”
It is noted, as detailed in the Analysis/Rationale section of this Report, that the requested performance standards for the proposed Residential Zone have been reviewed and have satisfied the Residential policies of the Official Plan and, in particular, Policy 4.4.10, which states:

“Policy 4.4.10 i) a) Complementing the established development pattern by taking into consideration natural vegetation, lot frontages and areas, building height, coverage, mass setbacks, privacy, and overview;…”

Finally, in regard to the preservation of existing mature vegetation, it is acknowledged that Policy 4.4.13 seeks to ensure that, where possible, existing trees shall be preserved and considered in the design and layout of the road system. Furthermore, Policy 4.4.13 identifies the importance of Street Trees, as it states:

“Policy 4.4.13 …The preservation of trees along streets and roads will be encouraged, except where removal is necessary because of disease or obstruction of viewing angles, in which case, such removal shall only be undertaken subsequent to the approval of Council.”

In support of the application, the proponent submitted a tree preservation/removal plan. The plan indicates that the site currently hosts a number of mature trees in relatively good condition. The majority of these trees are located centrally within the proposed development, and within the north east quadrant of the site. Given the proposed layout of the condominium access road, and the resultant lotting fabric, a large proportion of these trees are intended to be removed. In assessing the opportunities to re-design the layout of the site, in order to mitigate the loss of existing vegetation, staff notes that given the size and shape of the site, and the proposed unit type, the current layout represents the most efficient use of land, and that significant changes in order to retain the existing vegetation could prejudice said efficiencies.

Furthermore, it is noted that the range of species contained within the site include many less desirable, invasive species, such as the Manitoba Maple. Notwithstanding this, there are several desirable species, including the Silver Maple, that are proposed to be removed, and due to their location and the proposed plan, cannot be preserved. While staff acknowledges this, balance between new development and the protection of existing vegetation must be satisfied. Consequently, staff considers substantial effort must be made to preserve the existing mature vegetation along the perimeter of the site. As such, through site plan control, staff will require the submission of a Tree Management Plan, which shall include a general vegetation inventory. Through this process, a heavy emphasis upon the retention of those trees along the periphery of the site will be made, in accordance with Policy 4.4.13.
Urban Hamilton Official Plan Designation (Ministerial Approved)

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 final decision on the Urban Hamilton Official Plan has been appealed. As such, Council-approved Official Plan Amendments made prior to the final decision will be held in abeyance until their incorporation into the Plan can be requested of the Ontario Municipal Board, or through a future housekeeping amendment.

It is prudent and part of natural justice to identify changes to the Urban Hamilton Official Plan as part of the public notice in the staff report and notice of adoption.

Consequently, the proposal has also been evaluated against the policies of the Council adopted and Ministerial Approved Urban Official Plan. The site is located within the Mixed-Use - Medium Density Designation and, as such, the following Policies have been considered:

“Policy 4.6 The intent of the Mixed-Use - Medium Density designation is to permit a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale.”

The proposal would contribute to a neighbourhood that has a range of existing and planned uses.

“Policy 4.6.9 The predominant built form shall be mid rise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed-use buildings that have retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted.”

As discussed in greater detail in the Analysis/Rational section of this Report (see Page 16), staff acknowledges that due to the location of the lands along an identified corridor, the subject lands form part of an area identified within the new Urban Hamilton Official Plan as having potential for accommodating a range of uses at a density and scale greater than that currently existing within the more established residential areas of Ancaster.

Notwithstanding this, staff is of the opinion that while the proposed development is of a lower density and scale than that anticipated, it would not significantly prejudice the successful transition of the area, in general, from achieving this vision. Currently, townhouses and apartment buildings surround the subject lands, and given the restrictions regarding building heights within Ancaster (no higher than 3-storeys or 10.5
metres), the development potential of adjacent lands has, to a large extent, already been realized. Furthermore, the accommodation of lower scale development, as proposed, would assist in contributing to the range of housing options available within the area. Consequently, staff is of the opinion that the general intent of the new Urban Hamilton Official Plan has been satisfied.

Notwithstanding this, however, given that the lower density forms of residential development were not anticipated for this area, an amendment (detailed in Appendix “E”) will be recommended.

Based upon the forgoing, planning staff is of the opinion that development would be appropriate and would conform to the general intent of the new Urban Official Plan, subject to the proposed amendments detailed in Recommendation (c) and Appendix “E”.

**City of Hamilton Staging of Development**

The proposal is consistent with the Criteria for Staging of Development, in that utilities and services are available, there are no unanticipated budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and complies with the land use policies of the Town of Ancaster Official Plan.

### RELEVANT CONSULTATION

#### Agencies/Departments Having No Comment or Objections

- Budgets and Finance Division, Corporate Services Department.
- Recreation Division, Community Services Department.
- Parking Services Division, Hamilton Municipal Parking System.
- Hydro One Networks Inc.
- Niagara Escarpment Commission.

**Public Works Department (Traffic Operations Section)** - Staff provided comments regarding the following Development:

- The municipal sidewalk must be continuous through the driveway approach.
- Driveway curbing must end behind the municipal sidewalk.
- It would be desirable to have an interior sidewalk connecting to the municipal sidewalk on Wilson Street.
- Any abandoned access must be removed and the boulevard restored.
A minimum 5m by 5m visibility triangles between the access limits and the ultimate road allowance limits of Wilson Street West, in which the maximum height of any objects or mature vegetation cannot exceed a height of 0.70m above the corresponding perpendicular centreline elevation of the adjacent streets.

These issues will be addressed and secured through Site Plan Control.

**Public Works Department (Forestry and Horticulture Section)** - A Landscape Planting Plan and final approval of a Tree Management Plan will be required as a condition of Site Plan Approval. Following review of the current Tree Management Plan, the following comments were made.

Municipally regulated trees Nos. 1 and 50 may be removed without compensation. A decision on tree No. 51 will be made once grading and servicing information is forwarded.

All Heritage tree removals are approved, including trees Nos. 45 and 46, which are 2 White Pines, in good condition.

A Landscape Planting Plan, prepared and signed by a Landscape Architect, will be required. This Plan will enable the Forestry and Horticulture Section to provide a credit should the removal of tree No. 51 be necessary. This will be addressed at Site Plan Stage.

**Hamilton Conservation Authority (HCA)** has provided comments regarding the Residential Development. HCA staff confirms that they have no objection to the proposed concept, however, require additional details in order to support final designs. These include, but are not limited to, the following: a Geotechnical Brief, a Stormwater Management Report, Grading and Drainage Plans, Erosion and Sediment Control Plan and Servicing Plan. The Geotechnical Brief has been included within Condominium Agreement Condition No. (xiv) (see Recommendation (b)) the remaining issues shall form conditions of Site Plan Approval.

**Bell Canada** has requested standard conditions pertaining to the availability of communication/telecommunication infrastructure. This requirement is included within the Condominium Agreement as Condition (xvii) within Recommendation (b).

**Public Consultation**

In accordance with Council’s Public Participation Policy, the application was pre-circulated to 165 property owners within 120 metres of the subject property in January, 2011. As a result of the pre-circulation, one letter in support of the application and no letters of concern were received. The letter of support was received from the Condominium Corporation, located adjacent to the subject lands at 173 Wilson Street.
West (see Appendix “D”). A Public Notice sign was erected on the property in January 31, 2011. Notice of the Public Meeting has been given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION
(include Performance Measurement/Benchmarking Data, if applicable)

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

   (i) It is consistent with the Provincial Policy Statement, and conforms with and implements the “Urban” designation of the Hamilton-Wentworth Official Plan, and Places to Grow Plan.

   (ii) It conforms with the “Residential” designation of the Ancaster Official Plan, in that residential uses that are compatible with the existing area are permitted within this designation.

2. The application proposes the development of 8 single-detached dwellings, each accessed from a private Condominium Road. The road would be located centrally within the site with a single access point from Wilson Street West. The proposed lots would range in area from 452 sq.m to 563 sq.m, and would have frontages ranging from 14m to 20m in width. Each unit would provide double driveways, providing parking in accordance with the standard provisions of Ancaster By-law 87-57. The applicant has consequently requested that the provisions of the Residential “R4” Zone be applied to the subject lands. A number of modifications would be required to the amending By-law. These are discussed in further detail on Page 18 of this Report.

3. In accordance with the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the application is subject to a parkland dedication, or a Cash-in-Lieu of parkland dedication payment of five percent (5%) of the total land area of the subject property. As no additional parkland is needed by the City of Hamilton, the dedication will be required through a payment of Cash-in-Lieu of parkland. This requirement will be required as a condition of Site Plan Approval.

4. In support of the application, a Preliminary Servicing Brief was submitted. The Servicing Brief was prepared by A.J. Clark & Associates. As detailed in the Servicing Brief, there is an existing 200mm watermain and 150mm watermain within the Wilson Street West road allowance available to service the subject lands. The Preliminary Servicing Report Prior, provided by A.J. Clarke & Associates, indicates that a full watermain analysis is to be completed during the
detailed design stage to verify the adequacy of the municipal water system for the site. Staff, however, concluded that this Study must be completed prior to the amendment of the Zoning By-law. Consequently, the applicant provided the necessary analysis to staff and was, therefore, able to demonstrate that the existing municipal water system is capable of meeting the fire-flow requirements.

An adequate sanitary sewer system is also available on Wilson Street West across the full frontage of the subject properties. However, as per the servicing brief provided by A.J. Clarke & Associates, topographical constraints will prohibit sanitary sewer drainage by gravity to the Wilson Street West sewer, and a private pumping system will need to be implemented.

Additional details with respect to the private sanitary pumping system and a preliminary grading plan will, therefore, be required as a condition of the Site Plan Approval. A condition of Condominium Agreement will ensure a warning clause regarding this pumping system is included to in all purchase and sale agreements (Condition (xv) Recommendation (b)).

A detailed Stormwater Management Report, prepared by a qualified professional engineer, demonstrating how quality and quantity control criteria will be handled in accordance with City of Hamilton Storm Drainage Policies, and City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design, will be required as supporting documentation in order to satisfy Site Plan Approval.

The Preliminary Concept Plan, as prepared by A.J. Clarke & Associates, indicates that the existing sidewalk is to be removed and replaced. Staff advises that the existing asphalt sidewalk shall be replaced with a concrete sidewalk, and the boulevard is to be re-graded, as per City standards. These works shall be performed under a Consent Agreement (External Works) with the City of Hamilton. This will be secured through Site Plan Approval.

Finally, the future width of this section of Wilson Street West is 100 feet (30.48m). As a condition of Site Plan Approval the applicant will be required to convey sufficient lands to the City of Hamilton for road widening purposes.

5. Staff notes that the subject lands are intended to be developed for residential purposes and are located adjacent to Wilson Street West. The proximity of the proposed sensitive land use to a road noise source triggers the requirement for a Noise Study. Accordingly, staff had required the submission of a Noise Study with the subject applications. Staff notes that a Noise Study, titled “143 and 153 Wilson Street West Traffic Noise Study”, dated December 21, 2010, and prepared by Paradigm Transportation Solutions Limited, was submitted with the subject applications. This Study has been reviewed by staff and is subject to
Condominium Condition Nos. (v) - (ix). No further noise concerns remain outstanding.

Staff notes that the subject property is located adjacent to the Dundas Valley Environmentally Significant Area (ESA #41). However, as detailed in the comments from the Hamilton Conservation Authority (see Page 15), the subject property is situated to the south and entirely outside of the ESA. As such, the Hamilton Conservation Authority has recommended approval of the application subject to the standard conditions of Site Plan Approval as well as the condition detailed in Condominium Condition Nos. (xiv).

Finally, the subject lands are within the Urban Area designation in the Niagara Escarpment Plan (NEP). Permitted uses, and the creation of new residential units in this case, are subject to municipal Official Plans and applicable Zoning By-laws which, in this instance, raise no conflict issues with the NEP. This is further detailed in the comments provide by the Niagara Escarpment Commission (see Page 13).

6. In accordance with Council’s Public Participation Policy, the application was pre-circulated to 165 property owners within 120 metres of the subject property in January, 2011. As a result of the pre-circulation, one letter in support of the application and no letters of concern were received. The letter of support was received from the Condominium Corporation, located adjacent the subject lands at 173 Wilson Street West (see Appendix “D”). Finally, a Public Notice sign was erected on the property on January 31, 2011.

7. As discussed previously, the purpose of the applications is for approval of a Vacant Land Condominium and a change in zoning, to permit the development of the lands for 8 lots for single-detached dwellings and the creation of one private street (see Appendix “C”).

In order to develop the subject lands, as proposed, the applicant has requested the subject lands be rezoned from the Residential “R2” Zone to a Modified Residential “R4” Zone.

Requested Modifications

The development will be comprised of single-detached dwellings (see Appendix “C”). The applicant has requested a number of modifications to the amending R-4” Zone. These are as follows:

- A reduced Minimum Lot Area for a corner unit of 475 sq.m, whereas a Minimum of 500 sq.m is required.
• A reduced Minimum Front Yard of 4.5m to the unit and 6.0m to the garage, whereas a Minimum of 7.5m is required.

• A reduced Minimum Side Yard for corner lots of 4.5m, whereas a Minimum of 5.2m is required.

• An increased Maximum Lot Coverage of 48%, whereas a Maximum of 35% is permitted.

Furthermore, a technical modification would be required to ensure, for the purposes of zoning, a lot shall be permitted to have frontage on a private street and for interpretation purposes, corner lots shall be deemed as lots situated at the intersection of Wilson Street and the Condominium Road. Each of these modifications will be addressed below. Finally, staff is recommending a 3 metre Planting Strip along the Wilson Street West lot line. This additional buffering and opportunity to plant trees is considered appropriate ensuring a harmonious streetscape, as well as providing additional visual interest. The applicant is in support of these staff requested modifications.

**Minimum Lot Area**

The requested reduction to the minimum lot area for corner lots from 500 sq.m to 475 sq.m is considered a minor reduction. Furthermore, it is noted that those units that would benefit from this reduction would be internal of the site (Lots 2 and 7), which are both accessed and, therefore, visible only from the private condominium driveway. Consequently, staff is in support of the proposed modification.

**Minimum Front Yard**

The applicant has requested that the Minimum Front Yard requirement for each unit be reduced from 7.5m to 4.5m to the dwelling, and 6m to the front of the garage. Staff notes that the proposed reduction is becoming a development standard within new subdivisions, whereby the dwelling is brought closer to the street, but sufficient distance (6.0m) is maintained within the driveway to provide a parking space. In assessing this request, staff notes that all the units would front onto the private driveway and, as such, minimal impact upon the character of the existing streetscape would result.
Minimum Side Yard

The applicant has requested a reduction to the minimum side yard for the corner units (Lots 1 and 8 adjacent Wilson Street) from 5.2m to 4.5m. The reduction of 0.7m is, by itself, not considered significant; however, staff notes that given the lotting fabric proposed, these side yards would in effect act more like front yards when viewed from the public street (Wilson Street). Consequently, in assessing this request, regard has been given to the character of the area in general, and the existing setbacks along Wilson Street in particular.

The context around the proposed site includes a 4-storey apartment building “Stone Gate”, 1-storey bungalows, and what appears as a 3-storey apartment building “Ancaster Mews” facing the site across Wilson Street West. Buildings are separated from each other by relatively large distances. The character of Wilson Street West in this area is one where buildings are generously setback from the public right-of-way, with landscaped areas and mature trees along the street line.

Further along Wilson Street there are examples of buildings closer to the street, but notwithstanding this, concern remains over the proposed setbacks. It is noted, however, that this area has been identified within the New Urban Hamilton Official Plan as an area to accommodate greater densities, housing types and, in addition, encourage the location of buildings closer to the street.

Therefore, in order to balance the existing character with the future policy direction, staff considers it necessary to require a detailed urban design brief. In particular, enhanced elevations of those units facing Wilson Street will be required, demonstrating sufficient visual interest and ensuring the proposal successfully integrates with the existing character of the area. The submission and approval of a design brief has been recommended as Condition No. ii of the Condominium Agreement (see Recommendation (b)).

Furthermore, it is noted that the requirement for a noise wall for a portion of the frontage will further screen the houses. This noise wall is also proposed to be softened by a proposed planting strip located between the wall and Wilson Street West. The details of the planting strip will be reviewed and approved through site plan control.
Maximum Lot Coverage

The request to increase the maximum lot coverage from 35% to 48% is considered minor and acceptable. Each lot would provide sufficient amenity space and parking spaces; and, given the lotting fabric, the proposed increase is not considered to have a significant impact upon the streetscape. Furthermore, it is noted that when considered for the entire site development, coverage would be on average 38%.

Technical changes

In order to provide clarity to the By-law interpretation, as well as to permit the lots to have frontage from a private road, two technical changes to the implementing By-law are proposed. Firstly, the definition of a Lot shall be changed in order to permit access from a private road. This would accommodate the proposed tenure arrangement. Secondly, for clarification purposes, the corner lots shall be considered those lots that intersect Wilson Street and the private access. It is not considered that either of these technical changes would have any discernable impact on the character of the area or the proposal in particular and, as such, can be supported.

Planting Strip

Finally, staff is recommending a 3 metre planting strip be maintained along the Wilson Street West Lot line. This planting strip will provide additional opportunity for the planting of trees, buffering the units from the arterial road (see Appendix “C”).

In conclusion, staff considers the applications to represent an efficient and comprehensive development that successfully balances the character of the existing area with the drive to provide a mix of housing opportunities.

ALTERNATIVES FOR CONSIDERATION:

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the proposed draft plan of Condominium and changes in zoning be denied, the subject lands could be developed for uses permitted within the existing Residential “R2” Zone.

Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
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CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Social Development
• Everyone has a home they can afford that is well maintained and safe.

Healthy Community
• An engaged Citizenry.

APPENDICES / SCHEDULES

- Appendix “A”: Location Map
- Appendix “B”: Proposed By-law
- Appendix “C”: Concept Plan
- Appendix “D”: Public Representations
- Appendix “E”: New Urban Hamilton Official Plan Amendment

:EJ
Attachs. (5)
Appendix "A" to Report PED11112 (Page 1 of 1)

Location Map

Planning and Economic Development Department

File Name/Number: ZAC-10-050
Date: January 20, 2011

Appendix "A"

Subject Property

143-153 Wilson Street West

Ward 12 Key Map

N.T.S.
CITY OF HAMILTON

BY-LAW NO.  

To Amend Zoning By-law No. 87-57 (Ancaster),
Respecting Lands Located at 143 and 153 Wilson Street West (Ancaster)

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 11- of Report of the Planning Committee, at its meeting held on the day of , 2011, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Residential “R-4” Zone to the Residential “R4-637” Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

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

   **R4-637**

   That notwithstanding the provisions of Sub-Section 12.1 “Permitted Uses” and Paragraphs (a), (c), (d), and (e), of Sub-section 12.2 “Regulations” of Section 12: Residential “R4” Zone, Schedule “C”, and Section 3: Definitions 3.73 and 3.75, the following special provisions shall apply to the lands zoned “R4-637”:

   **Permitted uses**

   A maximum of eight detached dwelling units and uses, buildings and structures accessory thereto.

   **Regulations:**

   (a) **Minimum Lot Area:** 400 square metres, except on a corner lot the minimum area shall be 475 square metres.

   (b) **Maximum Lot Coverage:** 48 percent.

   (c) **Minimum Front Yard:** 4.5 metres to the front of the dwelling and 6.0 metres to the front of the garage.

   (d) **Minimum Side Yard:** 1.2 metres, except 4.5 metres on a corner lot.

   (e) **Planting Strip:** A minimum 3.0 metre wide Planting Strip shall be provided and maintained along Wilson Street West (excluding the Condominium Road).

**Definitions**

Notwithstanding Section 3.0, the following provisions apply:

(a) “Lot Frontage” - for the purposes of determining setbacks and frontage the Condominium (private) Road shall be deemed as frontage.
(b) “Corner Lot” shall be deemed as those lots immediately situated at the intersection of Wilson Street West and the Condominium Road.

Notwithstanding Section 7.0 - General Provisions, the following provisions apply:

(a) A Draft Plan of Condominium shall be considered a Draft Plan of Subdivision for the purpose of Model Homes, as per Sub-section 7.27.

3. That the amending By-law be added to Map 1 of Schedule B of Ancaster Zoning By-law No. 87-57.

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 [ ] day of [ ], 2011.

______________________________  ________________________________
R. Bratina                      R. Caterini
Mayor                          Clerk

ZAC-10-050/25CDM-2010-016
Appendix “B” to Report PED11112 (Page 4 of 4)

Schedule "A"

Map Forming Part of By-Law No. 11-

Passed the .......... day of ....................., 2011

to Amend By-law No. 87-57

Subject Property

143-153 Wilson Street West
Lands to be rezoned from the Residential "R2" Zone to the Residential "R4-637" Zone, Modified.
February, 8, 2011

Edward John, City of Hamilton
Planning & Economic Development Dept.
71 Main St. W, 5th flr
Hamilton, ON
L8P 4Y5

Application by Garth Trails Ltd. On Lands Located at 143 and 153 Wilson St. W.

Dear Mr. John:

Wentworth Condominium 227, Wilson Woods, is adjacent to the above named property.
We are very pleased with the proposal Garth Trails has put forward for development on these lands and would strongly recommend approval of their zoning request.

This is the type of infill we support for Ancaster. It is definitely in keeping with the area and is well below the height restrictions for Ancaster.

Yours Truly,

[Signature]

Randy Raphael, President

[Signature]

William Dobson, Treasurer

[Signature]

Suzanne Beaman, Vice President

[Signature]

Murray Buttrum, Member at Large
The following text constitutes Official Plan Amendment \( \text{____} \) to the Urban Hamilton Official Plan.

**1.0 Purpose and Effect:**

The purpose and effect of this Amendment is to create a site-specific policy to permit eight single detached dwellings to be constructed in a mixed-use - medium density commercial designation.

**2.0 Location:**

The lands affected by this Amendment are known municipally as 143 and 153 Wilson Street West, in the former Town of Ancaster.

**3.0 Basis:**

The basis for permitting this Amendment is as follows:

- The proposed amendment is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Growth Plan.

- The proposed amendment is compatible with the existing and planned development in the immediate area.

- The proposed amendment conforms to the former Region of Hamilton-Wentworth Official Plan.

- The proposed amendment will increase the range of residential options based on full municipal services.

**4.0 Actual Changes:**

**4.1 Text Changes:**

*Volume 3 - Special Policy Areas, Area Specific Policies, and Site-Specific Policies*
4.1.1 Volume 3, Chapter C - Ancaster Urban Site-Specific Policies; Ancaster - Commercial is amended, as follows:

a) Adding a new policy, UAC-4 after Policy UAC-3, so that it reads as follows:

"UAC-4 In addition to the uses permitted in Policy E.4.6.5 Mixed-Use - Medium Density of Volume 1, single-detached dwellings shall be permitted on the lands designated Mixed-Use - Medium Density, located at 143 and 153 Wilson Street West."

4.2 Mapping Changes

Volume 3 - Special Policy Areas, Area Specific Policies, and Site-Specific Policies

4.2.1 Volume 3, Chapter C - Urban Site-Specific Key Map; Volume 3: Map 2 be amended by:

a) Adding a site-specific area dot in proximity to 143 and 153 Wilson Street West showing the location of site-specific UAC-4;

as shown on Schedule “A” attached to this amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This is Schedule “1” to By-law No. ___ passed on the ___ day of ___, 2011.

The
City of Hamilton

__________________________________________  __________________________
R. Bratina                                    Rose Caterini
MAYOR                                        CITY CLERK
Site Specific Area UAC-4:
143-153 Wilson Street West