CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee
WARD(S) AFFECTED: WARD 12

COMMITTEE DATE: June 21, 2011

SUBJECT/REPORT NO:
Application for Approval of a Draft Plan of Subdivision, and Amendments to the Regional Official Plan, the Ancaster Official Plan, and Zoning By-law No. 87-57 for Lands Located at 1125-1143 Wilson Street West (Ancaster) (PED11102) (Ward 12)

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

PREPARED BY:
Steve Robichaud
(905) 546-2424, Ext. 5134

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to **Regional Official Plan Amendment Application ROPA-10-002, by Trinity Development Group (Louis Zurini), Owner**, for Official Plan Amendment No. [insert number] to amend the land use designation from “Urban Areas - Business Parks” to “Urban Area”, on lands located at 1125-1143 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED11102, on the following basis:

(i) That the Draft Regional Official Plan Amendment, attached as Appendix “B” to Report PED11102, be adopted by Council.

(ii) That the proposed Regional Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan.
SUBJECT: Application for Approval of a Draft Plan of Subdivision, and Amendments to the Regional Official Plan, the Ancaster Official Plan, and Zoning By-law Nos. 87-57 and 05-200, for Lands Located at 1125-1143 Wilson Street West (Ancaster) (PED11102) (Ward 12) - Page 2 of 37

(b) That approval be given to **Ancaster Official Plan Amendment Application OPA-10-012, by Trinity Development Group (Louis Zurini), Owner**, for Official Plan Amendment No. _____ to amend the land use designation from "Industrial" to "Commercial", on lands located at 1125-1143 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED11102, on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “C” to Report PED11102, be adopted by Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan and will conform to the Regional Official Plan upon approval of ROPA No. _____.

(c) That approval be given to **Zoning Application ZAC-10-035, by Trinity Development Group (Louis Zurini), Owner**, in order to provide for changes in zoning from the Agricultural “A” Zone to the Holding-Shopping Centre Commercial “H-C2-629” Modified Zone, with a Special Exception and Holding Provision, for Block 1; from the Agricultural “A” Zone to the Holding-Shopping Centre Commercial “H-C2-630” Modified Zone, with a Special Exception and Holding Provision, for Block 2; from the Agricultural “A” Zone to the Holding-Shopping Centre Commercial “H-C2-634” Modified Zone, with a Special Exception and Holding Provision, for Block 3; from the Agricultural “A” Zone to the Holding-Shopping Centre Commercial “H-C2-635” Modified Zone, with a Special Exception and Holding Provision, for Block 4; and from the Agricultural “A” Zone to the Private Open Space “O1-633” Modified Zone, with a Special Exception, for Block 5, as shown on Appendix “A” to Report PED11102, for lands located at 1125-1143 Wilson Street West (Ancaster), on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED11102, 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 5 to Schedule “A” of Zoning By-law No. 87-57.

(iii) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed Zoning for Blocks 1, 2, 3 and 4. The Holding provision will prohibit the development of the subject lands until such time as the following conditions have been satisfied:

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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
(1) The approval and implementation of a Traffic Impact Study, to the satisfaction of the Senior Director of Growth Management and the Manager of Traffic Engineering.

(2) Until such time as the owner/applicant demonstrates how the restrictions concerning water supply, as identified in the Functional Servicing Report, are to be addressed, to the satisfaction of the Senior Director of Growth Management.

(iv) That the proposed changes in zoning will be in conformity with the Town of Ancaster Official Plan upon approval of Official Plan Amendment No.

(d) That approval be given to Subdivision Application (25T-2010005), as Redlined Revised, by Trinity Development Group (Louis Zurini), Owner, to establish a draft plan of subdivision on the property located at 1125-1143 Wilson Street West (Ancaster), as shown on Appendix “E” to Report PED11102, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision, 25T2010005, prepared by IBI Group, and certified by B.J. Clarke, O.L.S., dated July 23, 2010, as Red Lined Revised, showing 4 Blocks for Commercial Development (Blocks 1-3 and Block 10), 4 Blocks for Future Development (Blocks 4-7), 2 Blocks for Road Widenings (Blocks 8 and 9), and the extension of Portia Drive (Street “A”), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “G” to Report PED11102, and the following:

(ii) Acknowledgement that there will be a financial contribution by the City for external stormwater management facilities, including land cost, as per the Development Charges By-law and Background Study.

That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan. The calculation of Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.
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(e) That approval be given to Urban Hamilton Official Plan No. to add a Site-Specific Policy UAC-x to Volume 3, Chapter C - Urban Site-Specific Policies (Ancaster), respecting lands located at 1125-1143, Wilson Street West, to permit the development of the subject lands for limited commercial uses.

(i) That Draft Urban Hamilton Official Plan Amendment No. attached as Appendix “H” to Report PED11102, be adopted by City Council.

(ii) That Draft Urban Hamilton Official Plan Amendment No. is consistent with the Provincial Policy Statement.

(iii) That the By-law of adoption for the Urban Hamilton Official Plan Amendment No. referenced in Recommendation (e)(i) above, be held in abeyance until such time as the Urban Hamilton Official Plan comes into full force and effect.

EXECUTIVE SUMMARY

The purpose of the applications is for approval of a Regional Official Plan Amendment, Local Official Plan Amendment, change in zoning, and a Draft Plan of Subdivision, in order to permit the subdivision of the lands for Commercial Development, containing 4 commercial blocks, 4 future development blocks, and Street “A” as an extension of the existing municipal road known as Portia Drive (see Appendix “E”).

Approval of the applications is consistent with the resolution of the Committee of the Whole, dated June 23, 2008, and confirmed by Council on June 25, 2008, to remove the lands from the City’s employment lands study and employment land bank.

The proposal, therefore, has merit and can be supported since it is consistent with the Provincial Policy Statement, conforms with the Places to Grow Plan, and generally implements the plan for the commercial re-development of the subject lands, as identified in the Ministerial Approved New Urban Hamilton Official Plan, and complies with the Commercial policies of the Ancaster Official Plan, and contributes to the mix of land uses envisioned within the Duff’s Corner area. The proposed development is also compatible with existing and planned development in the area, and would not undermine or prejudice the existing Urban Structure of Ancaster with respect to existing established commercial areas.

Alternatives for Consideration - See Page 36.
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 to consider applications for a Draft Plan of Subdivision, Regional Official Plan Amendment, Official Plan Amendment, and Zoning By-law Amendment.

HISTORICAL BACKGROUND (Chronology of events)

The applicant has applied for a Draft Plan of Subdivision, Regional Official Plan Amendment, Official Plan Amendment, and Zoning By-law Amendment for lands located at 1125-1143 Wilson Street West (Ancaster), in order to permit the development of a commercial subdivision. The subject lands comprise a total of 33.7 hectares of land, located on the north side of Wilson Street, within an area of Ancaster referred to as Duff's Corners. The intent is to develop a portion of the site for commercial purposes (approximately 11 hectares) and to leave a portion of the site undeveloped (see Appendix “A”).

To facilitate the development, it is proposed that Portia Drive be extended from the existing terminus east, to connect to a new roundabout at Wilson Street and McClure Road. One additional road access is proposed from Wilson Street and would connect to Portia Drive. This access would be a private driveway located within the middle of the subject lands. This private driveway would also extend beyond Portia Drive in order to provide additional connection and connectivity to the commercial development at the rear, and access to the un-developable land beyond the ESA limit.

The development will be comprised of both single-tenant and multi-tenant buildings (see Appendix “I”). The applicant has requested that the following additional uses be permitted within the standard uses permitted within the Shopping Centre Commercial “C2” Zone and the Urban Commercial “C4” Zone:

- Banquet Halls.
- Building Supply Sales.
- Home Improvement Retail Facilities.
- Motor Vehicle Service Stations or Garages.
- Motor Vehicle Gasoline Bars.
- Parking Areas and Structures.
• Open Storage and Sales Areas appurtenant to a permitted use, building, or structure.

It is requested that the following two uses be excluded from the permitted uses:

• Fruit or Vegetable Stands.
• Welding and Sheet Metal Shops.

Additional site-specific regulations are also being sought to permit:

• A reduced Front Yard of 1.5m, whereas 15m is required.
• A reduced Rear Yard of 10.0m, whereas 15m is required.
• Reduced Side Yards of 1.5m and 0.0m, whereas 15m is required.
• Parking to be provided at a ratio of 3.5 spaces per 93 square metres.
• A 1m planting strip shall be provided between a parking and loading area and the street, whereas 6m is required.

**Chronology:**

- **September, 2007:** Regional Official Plan, Official Plan, and Rezoning (ROP-07-003 / OPA-07-012 / ZAC-07-049) applications submitted to permit car dealership.
- **June, 2008:** Council Approval of the Municipal Comprehensive Review.
- **November, 2009:** Formal Consultation Application submitted.
- **December 1, 2009:** Site Visit.
- **December 9, 2009:** Formal Consultation Document provided to applicant listing all required studies.
- **July 30, 2010:** Formal Amendment Applications received to permit range of commercial uses.
- **August 23, 2010:** Formal Amendment Applications deemed complete and circulated.
- **November 18, 2010:** ESAIG meeting conducted to review EIS.
SUBJECT: Application for Approval of a Draft Plan of Subdivision, and Amendments to the Regional Official Plan, the Ancaster Official Plan, and Zoning By-law Nos. 87-57 and 05-200, for Lands Located at 1125-1143 Wilson Street West (Ancaster) (PED11102) (Ward 12)

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DETAILS OF SUBMITTED APPLICATION:

Owner/Applicant:  
**Owner A**  783837 Ontario Inc., 783836 Ontario Inc., 914984 Ontario Inc., and 1044061 Ontario Inc.

**Owner B**  Anna Zurini, Doreen Rita Angelone, and Zeljka Kontic

Agent:  
IBI Group (c/o Sergio Manchia)

Location:  
1125 - 1143 Wilson Street West (Ancaster)

Description:  
Frontage:  210 metres (Approx.)
Lot Area:  11.2ha

EXISTING LAND USE AND ZONING:

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<td>East</td>
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<td>Agricultural “A” Zone and Urban Commercial “C4” Zone</td>
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POLICY IMPLICATIONS

Municipal Comprehensive Review

The Provincial Policy Statement (PPS) requires that a ‘comprehensive review’ of all employment lands be accepted by a Council prior to any decision on private applications for re-designating industrial land to other uses. According to the PPS, a ‘comprehensive review’ must provide a technical basis for defensible employment land decisions.

Furthermore, the Places to Grow Growth Plan similarly requires the municipality to identify areas/sites for potential conversion through the completion of a Municipal Comprehensive Review. The Comprehensive Review must ensure that any sites that are chosen for potential conversion do not impair the municipality’s ability to meet its employment targets, the viability of the employment area is not undermined, there is a need for the conversion, and the infrastructure can accommodate another use.

In 2007, the City retained Hemson Inc. to complete a review of City Wide industrial designated lands. The Report provided by Hemson also provided key inputs into the City’s own “Growth Related Integrated Development Strategy” (GRIDS) and the related infrastructure master plans.

On March 18, 2008, the Economic Development and Planning Committee considered Report PED08066 which presented the findings of the Municipal Comprehensive Review carried out by Hemson Consulting Limited and the related conversion analysis by staff. This Review/Analysis was required by the PPS and Places to Grow Growth Plan prior to the re-designation of any employment areas for non-employment uses. While it was identified that the vast majority of Hamilton’s employment areas should be retained, staff recommended a limited potential conversion of 6 Bayfront and East Hamilton areas, 2 smaller industrial sites, and a number of scattered sites. The Economic Development and Planning Committee also included some additional sites for consideration and directed that staff consult the public, land owners, and various stakeholders and report back to Committee in June, 2008 on the findings. Report PED08066(a) provided the details of those consultations and recommended the same previous sites for conversion.

The official adoption of this Municipal Comprehensive Review is through the Province, as they are the legislative body that approves the City’s Official Plan. Based on preliminary discussions, it appears that a municipal comprehensive/conversion analysis review is deemed complete only once the Official Plan has been amended to implement its conclusions. It is staff’s position, however, that private development applications for the identified conversion sites should proceed since both Council and the Ministry have
approved the removal of the subject lands from the City’s employment land supply, and that currently uncertainty surrounds the timing of the formal adoption of the new Official Plan as it currently has been appealed and is before the Ontario Municipal Board (OMB).

Approval of the applications is consistent with the resolution of the Committee of the Whole, dated June 23, 2008, and confirmed by Council on June 25, 2008, to exempt the lands from the City’s employment lands study and employment land bank. As a consequence, staff acknowledges that the conversion of 1125 Wilson Street represents a conversion of Industrial lands in accordance with the PPS and Places to Grow legislation, and that any recommendation upon these applications should proceed prior to the formal adoption of the Municipal Comprehensive Review/Conversion Analysis into the forthcoming Urban Hamilton Official Plan.

**Provincial Policy Statement (PPS):**

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 1.3.2 states that planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review only where it has been demonstrated that the land is not required for employment purposes over the long term, and that there is a need for the conversion. Staff notes that the PPS defines *Comprehensive review* as “for the purposes of Policies 1.1.3.9 and 1.3.2, an Official Plan Review which is initiated by a planning authority, or an Official Plan Amendment which is initiated or adopted by a planning authority, which:

1. Is based on a review of population and growth projections and which reflect projections and allocations by upper-tier municipalities and provincial plans, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;

2. Utilizes opportunities to accommodate projected growth through intensification and re-development;

3. Confirms that the lands to be developed do not comprise specialty crop areas in accordance with Policy 2.3.2;

4. Is integrated with planning for infrastructure and public service facilities; and,

5. Considers cross-jurisdictional issues.”
Staff notes that the Council adopted and Ministerial approved Urban Official Plan has designated the subject lands as "Arterial Commercial", which represents a conversion away from the previous "Industrial" employment use designation. As detailed above, through the Municipal Comprehensive Review, staff has completed the necessary assessment, as required by the PPS, and is satisfied that the conversion of the subject lands is appropriate and in accordance with the Policies of the PPS.

On this basis, the following policies of the PPS have been considered with respect to the proposed commercial subdivision.

Policy 2.1.6 states that development and site alteration shall not be permitted on adjacent lands to the natural heritage features 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 lands are located adjacent to the Jerseyville Road Woodlot Environmentally Significant Area (ESA #39).

In support of the application, the proponent submitted an Environmental Impact Assessment, compiled by Dougan & Associates, dated July 29, 2011, and a further Addendum Report, dated March 2011. These studies have been reviewed by the Grand River Conservation Authority (GRCA), the Environmental Sensitive Area Impact Evaluation Group (ESAIEG), and City Staff. Staff, ESAIG, and the GRCA are all in agreement with the information subject to the Conditions of Draft Approval Recommended in Conditions 23, and 27 - 29 of Appendix “G”. Consequently, staff is satisfied that all potential negative impacts have been sufficiently identified and mitigated in accordance with the PPS.

Finally, Policy 2.6.2 outlines that Development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. The proponent, in support of the application, submitted an Archaeological Assessment (Stage 1), prepared by Detritus Consulting, in September, 2010. The Study concluded that the area was rated high for archaeological potential and, as such, should be subject to a Stage 2 Archaeological Assessment. This approach is supported by City staff and will be secured through the Standard Form Subdivision Agreement.
Places to Grow Growth Plan (P2G):

Staff notes that Section 2.2.6 of Places to Grow (P2G) addresses employment lands. Policy 2.2.6.2 c) states that “municipalities will promote economic development and competitiveness by planning for, protecting and preserving employment areas for current and future uses”. In addition, Policy 2.2.6.5 states that “municipalities may permit conversion of lands within employment areas, to non-employment uses, only through a Municipal Comprehensive Review where it has been demonstrated that:

a) There is a need for the conversion.

b) The municipality will meet the employment forecasts allocated to the municipality pursuant to this Plan.

c) The conversion will not adversely affect the overall viability of the employment area, and achievement of the intensification target, density targets, and other policies of this Plan.

d) There is existing or planned infrastructure to accommodate the proposed conversion.

e) The lands are not required over the long term for the employment purposes for which they are designated.

f) Cross-jurisdictional issues have been considered.

For the purpose of this Policy, major retail uses are considered non-employment uses.”

Staff notes that P2G defines Municipal Comprehensive Review as “an Official Plan Review, or an Official Plan Amendment initiated by a municipality that comprehensively applies the policies and schedules of this Plan.” It is noted that under the Council adopted and Ministerial approved Urban Official Plan the subject lands are designated as “Arterial Commercial”. As detailed above, through the Municipal Comprehensive Review, staff has completed the necessary assessment, as required by the Growth Plan, and is satisfied that the conversion of the subject lands is appropriate and in accordance with the Policies of the Growth Plan, and in particular Policy 2.2.2, which states:

“Policy 2.2.2.f) ensuring the availability of sufficient land for employment to accommodate forecasted growth to support the GGH’s economic competitiveness.”
On this basis, the following policies of the Growth Plan have been considered with respect to the proposed commercial subdivision.

Policy 2.2.2 Managing Growth states the following:

“Policy 2.2.2.h) encouraging cities and towns to develop as complete communities with a diverse mix of land uses…”

The proposed use(s) would contribute to the existing range of uses within the area in line with the policy framework developed through the new Urban Hamilton Official Plan.

Greenbelt Plan

The Greenbelt plan designates the northerly portion of the site as “Protected Countryside”. It is noted that the northerly portion of the lands are not being considered for development under this application, and further, in order to recognize the designation of the lands under the Greenbelt, as well as the inherent environmental function and constraints of the lands, staff is recommending that the lands be placed under a modified Private Open Space “O1” Zone, which will restrict development to only conservation purposes. It is considered that this treatment will comply with the Greenbelt Policies, which seek to protect key natural heritage features.

It is also noted that the impact of the proposed development upon the lands to the north, which include a designated ESA, has been assessed through the submission of an Environmental Impact Assessment, prepared by Dougan & Associates, dated July 29, 2011, and a further Addendum Report, dated March 2011. These studies have been reviewed by the Grand River Conservation Authority (GRCA), the Environmental Sensitive Area Impact Evaluation Group (ESAIEG) and City staff. Staff, ESAIEG, and the GRCA are all in support of the information subject to the Conditions of Draft Approval Recommended in Conditions 23, and 27 - 29 of Appendix “G”. Consequently, staff is satisfied that all potential negative impacts of the proposal have been sufficiently identified and mitigated in order to ensure the necessary protection of the lands designated “Protected Countryside”.

Hamilton-Wentworth Regional Official Plan:

The subject lands are designated as “Urban Area - Business Park” within the Hamilton-Wentworth Regional Official Plan.

Policy C-3.1.3.1 states that Business Parks are to accommodate:
a) A full range of manufacturing, construction, wholesale establishments, truck terminals, research and development uses and office development associated with these uses; and,

b) Service type uses, including hotels, banquet centres and recreational facilities, and land extensive warehouse retail - wholesale uses requiring site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores, and automobile dealerships).

Policy C-3.1.3.2 states that within Business Parks, grouped commercial uses of retail or service nature such as banks, restaurants, and professional offices that will not adversely affect established and/or approved retail areas, are permitted. Such uses will be directed to locations along major roads or in designated commercial nodes within the Business Parks.

Furthermore, Policy C-3.1.3.3 states that Area Municipal Official Plans are required to contain detailed policies that identify the type and locational criteria for permitted commercial uses.

The proposed subdivision would be proposing uses that are primarily commercial, including a Home Improvement Retail Facility (Lowes) and a number of retail and office uses and, as such, are beyond the scope of the secondary commercial uses detailed above. Consequently, the applications seek to formally amend the designation of the Hamilton-Wentworth Regional Official Plan from the existing “Urban Area - Business Park” designation to the “Urban Area” designation, in order to permit the proposed range of commercial uses identified in Appendix “D”.

As detailed in the discussion contained under the Municipal Comprehensive Review section above, staff is satisfied that the intent of the Hamilton-Wentworth Regional Official Plan has been satisfied with respect to the provision and preservation of employment lands.

Furthermore, it is considered that the new Urban Hamilton Official Plan, which designates the lands as “Arterial Commercial”, has provided the necessary direction for land development within the area, to which the modified applications would in general comply, subject to the proposed modifications being applied. These modifications proposed by staff are discussed in further detail in the Analysis/Rationale for Recommendation section of this Report. The redesignation of the subject lands to “Urban Area” within the Hamilton-Wentworth Regional Official Plan would, therefore, be in line with this new Policy direction.
With regard to the commercial-retail component of the proposal, Policy 3.1.6 must be considered. This Policy states:

“3.1.6 Retail

New retail developments, particularly those on a large scale such as new malls, should only be permitted where demand can be demonstrated and existing retail areas will not be adversely affected. To implement these elements, the Region will:

3.1.6.1 Direct retail / commercial / office uses to locate in Mixed-Use Activity Centres and Corridors, shopping centres and existing planned retail areas.”

The area has been identified as appropriate for “Arterial Commercial” uses through the comprehensive studies completed through the formation of the New Urban Hamilton Official Plan. With respect to the particular impact of additional retail commercial uses, this is discussed further in the Analysis/Rationale for Recommendation section of this Report (see Page 24).

In addition to the above, Policy C-1.2.2 a) states that land use changes in or adjacent to Environmentally Significant Areas will only be permitted where, in addition to meeting other policies in this plan, 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 lands are located adjacent to the Jerseyville Road Woodlot Environmentally Significant Area (ESA #39). In support of the application, the proponent submitted an Environmental Impact Assessment, compiled by Dougan & Associates, dated July 29, 2011, and a further Addendum Report, dated March, 2011. These studies have been reviewed by the Grand River Conservation Authority (GRCA), the Environmental Sensitive Area Impact Evaluation Group (ESAIEG), and City staff. Staff, ESAIG, and the GRCA are all in support of the information subject to the Conditions of Draft Approval Recommended in Conditions 23, and 27 - 29 of Appendix “G”. Consequently, staff is satisfied that all potential negative impacts have been sufficiently identified and mitigated in accordance with the Hamilton-Wentworth Regional Official Plan.
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Ancaster Official Plan

The subject lands are designated “Industrial” on Schedule ‘B’, Land Use - Urban Area Plan, in the Ancaster Official Plan. The “Industrial” designation, as detailed in Policy 4.6.1, states:

“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 and development facilities.”

As the application seeks to subdivide the lands and introduce a number of commercial uses, the applicant has submitted an Official Plan Amendment in order to redesignate the lands from “Industrial” to “Commercial”. It is considered, given the detailed review of the higher tier documents discussed above, that sufficient regard has been given to the principle of converting the proposed lands away from the existing “Industrial” designation within the Ancaster Official Plan. It is on this basis, therefore, that the following Commercial Policies of the Ancaster Official Plan will be used to determine and evaluate the appropriateness of this specific development upon the subject lands.

“Policy 2.2.2 i) To encourage the expansion of the Town’s industrial and commercial development in order to diversify the Town’s tax base, improve its assessment ratio, and to increase local employment opportunities;

iv) To encourage the commercial development in the Duff’s Corners and the Mohawk Meadowlands Community areas as commercial support for the industrial areas, and also to meet the commercial needs of the residents of the Town and its environs and the traveling public.”

It is considered that the proposed commercial development would provide additional tax base, provide employment opportunities, and meet the commercial needs of the residents and traveling public, given the proximity of the site to the residential areas of Ancaster, as well as the location of the site adjacent an arterial road. In particular, staff notes that the modifications proposed by staff with respect to the range of commercial uses to be permitted (see Analysis/Rationale for Recommendation, Page 24) would ensure that the proposed development would provide predominately arterial commercial uses that are currently under provided in Ancaster and, conversely, restrict the scale and order of general commercial uses that could potentially undermine the existing Urban Structure of Ancaster with respect to the existing established commercial areas, particularly of the Ancaster Village Core.
“Policy 3.1.6  Major industrial and commercial growth shall be encouraged in the proposed Industrial Areas in the vicinity of Duff’s Corners and the Mohawk and Meadowlands Communities on the basis of full urban services.”

The proposed development is serviced by municipal water and wastewater systems, and the applicant has provided relevant documentation in the form of a Functional Servicing Report demonstrating that the use of the lands are appropriate with regard to servicing.

While the following general Commercial Policies apply, including but not limited to Policies 4.5.5, 4.5.9, and 4.5.10, it is noted that the direction and intent of these policies is covered in more detail in the following commercial policies, which apply specifically to the Duff’s Corners Area:

“Policy 3.1.7  …A concentration of commercial facilities at Duff’s Corners and in the Mohawk and Meadow Lands Communities will also be encouraged which would serve the needs of the future industrial development, the shopping needs of the Town and its surrounding area, as well as the needs of the traveling public. Such concentration of commercial facilities shall be in accordance with Policies 5.5.5 and 5.6.3 of this Plan.

Policy 5.5.5 The Commercial designation in Duff’s Corners shall be subject to the following:

i) Development of commercially designated lands in Duff’s Corners shall be encouraged on the basis of joint sharing of facilities so that preference shall be given for development proposing the grouping of commercial facilities rather than the development of individual commercial sites.

ii) …

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

iv) …
v) Any shopping centre development proposed within the area designated Commercial shall only proceed after evidence has been provided, to the satisfaction of the Council, justifying the need for such a facility…

vi) Site Plans to be prepared for the lands in the Commercial designation shall provide a high degree of emphasis on site design, including landscaping of lands adjacent to roads…"

It is considered that the intent of the above policies, which govern areas currently designated commercial in the Duff’s Corners area, will be met in general by the proposed development. The proposal is considered a comprehensive form of development that is proceeding on the basis of a Draft Plan of Subdivision and Amendments to the Regional and Local Official Plan documents. The development would group together a number of different commercial uses, within a commercial plan of subdivision that has demonstrated (subject to further detailed review and approval through Subdivision Conditions 1 to 22) the sites functionality on the basis of servicing and traffic infrastructure.

Furthermore, although not considered to represent a shopping centre, the conversion of the lands to “Commercial”, with the intent of accommodating the proposed uses, has previously been considered by both City staff and Council through the City Initiated Municipal Comprehensive Review. Council was in support of the conversion and, subsequently, approved the conversion of the lands to “Arterial Commercial” in the new Urban Hamilton Official Plan. As discussed in further detail in the Analysis/Rationale for Recommendation section of this Report (see Page 24), both the scale and number of uses originally proposed by the applicant have, however, been restricted in order to ensure compliance with both this policy and the intent and policy direction of the New Urban Hamilton Official Plan with respect to the provision and location of commercial uses within Ancaster.

As discussed in the Analysis/Rationale for Recommendation section (see Page 24), staff acknowledges that the conversion of these lands, in general, and subject to restrictions being placed on the scale and type of commercial uses in order that they more closely reflect the sites identified function as an arterial commercial node as opposed to a general commercial function, are satisfied, in particular, that the development will meet the needs of residents without compromising or undermining the Urban Structure of established commercial uses.

Finally, it is noted that with regard to design, landscaping, and pedestrian circulation, the proposal would be subject to Site Plan Review, and further, a condition of Draft Approval, which would require a submission of a Design Brief (see Condition 26)
ensuring sufficient regard will be given to the detailed site design. Furthermore, as discussed in greater detail in the Analysis/Rationale for Recommendation section (see Page 24) of this Report, in addition to the level of control to be exerted through the Site Plan process and the approval of a design brief, the implementing By-law will also impose detailed provisions regarding sound urban design principles to be incorporated for those buildings to be constructed along Wilson Street West (see Appendix “D”). These provisions are consistent with other design approaches placed on similar developments within the City which are located adjacent prominent arterial routes.

“Policy 4.5.8 All commercial uses shall be adequately served by transportation routes to ensure ease of vehicular access and to avoid excessive traffic congestion.”

The subject lands will have direct access onto Wilson Street West, which is a recognized arterial route that provides direct access to the Highway 403 on-ramps, and will also provide for the extension of Portia Drive through the subject lands. The applicant also submitted a Traffic Study which, although is subject to further review and approval (as required under the Holding provision - see Recommendation (c)(v)), demonstrates the intent to develop adequate traffic controls (i.e. Roundabout) in order to mitigate any potential traffic congestion.

“Policy 4.5.12 Appropriate zoning categories and applicable regulations will be established in the zoning By-law of the Town of Ancaster designed to accommodate the various uses permitted under the Commercial designation.”

As detailed above and in the Analysis/Rationale for Recommendation section of this Report (see Page 24), sufficient regard has been given to the implementing By-law with regard to the range of permitted uses and the performance standards attached to those uses. It is acknowledged that further detailed review will be taken through an urban design brief and through Site Plan Approval, which will assist further in directing the final approved location and design of the proposed commercial uses, however, the principle of the land use, and the prescribed performance standards in the recommended By-law, are considered appropriate and in-keeping with the intent of the above policy.

**New Urban Hamilton Official Plan**

As discussed above, following the Council directed decision to exempt the lands from the Employment Lands Inventory, staff reviewed the lands, in particular, and recommended they be placed within the “Arterial Commercial” Designation in the New Urban Hamilton Official Plan. The proposal has, therefore, been evaluated against the policies of the Council adopted Urban Hamilton Official Plan, which has received
Ministerial approval, but is currently under appeal. The site is located within the “Arterial Commercial” Designation and, as such, the following Policies have been considered:

“Policy 4.8 The Arterial Commercial designation is intended to provide for a range of uses catering to the traveling or drive-by consumer, as well as retail stores, which are land extensive and require outdoor storage or sales and cannot be appropriately accommodated in the other designations.”

A number of the proposed commercial uses are considered to fall within the intent of the above designation, particularly as the main tenant will be a Home Improvement Store, which will require greater land demands and storage requirements. The subject lands are also ideally located to attract traveling or drive-by consumers given its favorable location on an arterial route with convenient access to the Highway 403.

However, it is noted that the above policy is more restrictive than the standard commercial policies of the existing Ancaster Official Plan. Indeed, Policy 4.8.3 determines a number of prohibited uses within this designation, including: Department Stores; Food Stores; Residential uses; and, Stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise. The intent of this Policy, and the designation in general, is to support a limited number of commercial/retail uses, that have specific locational requirements, and further, to limit general commercial/retail uses that are more appropriately located in existing established commercial areas within the Downtown area of Ancaster and areas designated District Commercial.

The basis of this rationale is detailed within the ‘Urban Structure’ section of the document; which ‘formally identifies how the City will physically grow over the long term’ (see Policy E.2.0). The subject lands are identified within the Urban Structure as an Urban Corridor and, as detailed above, particular areas (including the subject lands) have been further identified within the Plan as ‘Arterial Commercial’. The specific function of the subject lands is, therefore, by design, qualitatively different to other commercial designations within Ancaster and, as such, any substantial erosion of this identified function would undermine the Structure of the Plan.

Specific Policies for the Duff’s Corners Area are contained within the Urban Hamilton Official Plan. Policy 4.2.9 details that an Amendment to the Plan would be required for any extension to the amount or type of retail uses in this location, and further, Policy 4.2.11 states that Official Plan Amendments for retail or service commercial development exceeding 5,000 square meters of Gross Floor Area would be required to undertake a Commercial Needs Assessment. It is noted that the majority of the GFA of the uses would be focused on “Arterial Commercial” uses, and that while the GFA of
retail uses will exceed the threshold contained in Policy 4.2.11, the retail component is secondary to the primary “Arterial Commercial” function.

Indeed, notwithstanding this policy framework, it is noted that while the subject lands represent a large holding (approximately 11 hectares), the potential to efficiently accommodate large, land expansive uses in line with the arterial commercial policies, within the whole of the subject lands, is somewhat limited by the presence of both the ESA lands to the north, the planned extension of Portia Drive through the middle of the site, and the shape of the site in general. The configuration and location of the resultant parcels of land has, therefore, mitigated the ability of the site to fully realize its potential within the Arterial Commercial Designation, and instead, a number of the Blocks created in the Subdivision application are considered more suitable to general and, therefore, smaller commercial uses.

In order to balance the intent of the designation, while acknowledging some of the constraints of the site, staff is, therefore, in support of accommodating a number of general commercial uses on a restricted basis. Consequently, while several of those uses detailed in Policy 4.8.3, in addition to other uses within the general “C2” and “C4” commercial zones, will be permitted within the amending By-law, they have been substantially restricted in both scale and type in order to ensure general compliance with the above policy and the general intent and direction of the Arterial Commercial designation of the New Urban Hamilton Official Plan.

This is discussed in further detail in the Analysis/Rationale for Recommendation section of this Report (see Page 24). It is noted, however, that although considered to meet the general intent of the ‘Arterial Commercial’ designation, given that the amending By-law would be introducing uses specifically prohibited in the New Urban Hamilton Official Plan, without a Commercial Needs and Impact Assessment a site-specific Policy amendment would be required to the New Urban Hamilton Official Plan. This is detailed in Recommendation (e) of Page 3 of this Report, and in Appendix “H”.

Finally, a number of design issues are detailed in Policies 4.8.4, 4.8.5, and 4.8.6. It is considered that these policies, which speak to the need for detailed review of siting, elevational design, landscaping, and pedestrian circulation, will be secured through the Conditions of Draft Plan Approval, as well as through Site Plan Control.

Based upon the forgoing, Planning staff is of the opinion that the development of the lands for a Commercial subdivision would be appropriate and would, in general, meet the intent of the new Urban Hamilton Official Plan subject to further detailed review at the Site Plan Stage.
City of Hamilton Staging of Development

The proposal is not included in the 2010 Staging of Development program, but has been included in the proposed 2011 program. Furthermore, it is a priority to facilitate non-residential development.

RELEVANT CONSULTATION

Agencies/Departments Having No Comments/Objections

- Hamilton Municipal Parking System.

Traffic Engineering and Operations Section (Public Works Department)

In response to the submitted applications and the Traffic Impact Study provided by Paradigm Transportation Solutions Ltd., dated July 2010, staff comments included, but were not limited to, the following requirements.

The Traffic Impact Study submitted for this application must receive final approval from the Manager of Traffic Engineering.

The owner shall construct a modern roundabout at the intersection of Wilson Street and McClure Road. The roundabout must be designed by a qualified roundabout engineering specialist, to the satisfaction of the Manager of Traffic Engineering.

The owner shall construct the extension of Portia Drive from McClure Road to Mason Drive. As per the Traffic Study, Portia Drive must be constructed to a 3 lane cross-section and include an east bound travel lane, a west bound travel lane, and a continuous two-way, left turn lane. The provision of a municipal sidewalk on both sides of Portia Drive is encouraged.

Access to Block 3 will not be granted from McClure Road or Wilson Street. Access D to Portia Drive must be located a minimum 70m west of McClure Road, as per the Traffic Study. Access C from Portia Drive must be located a minimum 25m east of the private driveway access B.

Access to Block 4 will not be granted to Wilson Street.

Portia Drive must be constructed a minimum 70m north of the north curb line of Wilson Street. The applicant should be cautioned that final roundabout design may change the location of Portia Drive.
Comments regarding internal driveway connections and general site layout will be provided at the site plan review stage.

These requirements will be addressed in Draft Plan Conditions 18 to 20, and through Site Plan Approval.

**Ministry of Transportation Ontario**

The Ministry has reviewed this proposal to amend the Regional and Local Official Plan, Rezoning, and Draft Plan of Subdivision for 1125-1143 Wilson Street West, and confirm that they have no comments or concerns as this proposed development is well outside MTO permit control. No further review or circulation of this proposal is necessary.

**Environmentally Significant Areas Impact Evaluation Group (ESAIEG)**

The proposal was reviewed at the meeting held on November 18, 2010. At that meeting, ESAIEG members noted that the northern portion of the site is made of two distinct habitat types - the portion immediately north of the proposed development is successional scrub, while furthest north is a wooded area. The boundary of the ESA, as drawn in 2003, coincides with the top of bank and limit of the scrubland.

The buffers proposed range from 3.5 metres to 11 metres. The average buffer width is 7.5 metres. This buffer was recommended because the habitat in the ESA is successional and not sensitive. A fence will be placed at the edge of the buffer identified in the EIS prepared by Dougan and Associates to prevent litter from blowing into the ESA. Enhancement plantings are proposed within the buffer and also within the ESA slope and lowland. Plantings within the buffer and slope will be denser, and will introduce an open savannah, with white pine, shagbark, bitternut hickory, and oak. Plantings will be less dense on the lower areas of the ESA.

In response to the proposal, ESAIEG concluded the following:

- ESAIEG accepts the buffers proposed in the EIS. These buffers are considered acceptable at this particular site because the 10 ha portion of the lot north of the ESA boundary is not a woodland area and, therefore, the City of Hamilton policy requiring 15m minimum buffers does not apply. The buffer proposed is acceptable because the vegetation on the edge of the ESA is cultural, with low sensitivity to disturbance, and the ESA boundary is approximately located along a surface water drainage divide. Any surface water from the developed portion of the site will flow south and west, and away from the ESA.
The applicant should continue to seek opportunities (e.g. narrowing Portia Drive) for increasing the buffer width. ESAIEG seeks assurance that if the road is narrowed, the whole development will shift to the south to increase the buffer width by a comparable amount.

ESAIEG would like to review the Planting Plan for both the buffer area and the ESA area when it is available. Planting stock in the ESA area should be at least 2 metres in height to ensure it can compete with regenerating shrubs and to protect it from deer browsing.

Since the proposed planting will take place on lands to be retained by the landowner (not Trinity Developments), ESAIEG seeks written assurance from the applicant that the landowner accepts the proposed planting plan within the ESA.

These requirements are addressed in Special Conditions of Draft Approval Nos. 27-29.

**Forestry and Horticulture Section (Public Works Department)**

There are Municipal Tree Assets located on the road allowance of this proposed development and, therefore, Tree Management is required. Heritage diameter and/or Species at Risk may be found within the area on the Location Map denoted as “Additional Lands of the Applicant”. A Landscape Planting Plan, prepared and signed by a Landscape Architect, will also be required for review and comment by the Forestry and Horticulture Section. Forestry and Horticulture must be circulated with any Demolition Application for our review and approval.

A Tree Management Plan will be required through the Standard Form Subdivision Agreement and, in addition, a detailed review and landscape plan will be secured and conducted through the Site Plan process.

**Grand River Conservation Authority (GRCA)**

Staff at the Grand River Conservation Authority has reviewed the Environmental Impact Statement Addendum for the Potential Watercourse Realignment for the Wilson Street Commons site, which was prepared by Dougan & Associates, and dated March, 2011.

Section 4.2.2 of the EIS indicates the site cannot directly support fish habitat, however, it likely contributes flow and nutrients to downstream habitats. Staff at the GRCA is in agreement that the preferred options of 4a and 4b are low-risk options to impacting fish habitat.
The EIS Addendum for Potential Watercourse Realignment meets the Terms of Reference required by the GRCA and, as such, they confirmed their acceptance of the conclusions and recommendations contained in the EIS Report, subject to Condition 23 of the Draft Plan of Subdivision Approval (see Appendix “G”).

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 implements Council Direction, as per the resolution of the Committee of the Whole, dated June 23, 2008, and confirmed by Council on June 25, 2008, to exempt the lands from the City’s employment lands study and employment land bank.

   (ii) It is consistent with the Provincial Policy Statement, and would conform with the Places to Grow Growth Plan.

   (iii) It would conform with the proposed “Commercial” designation of the Ancaster Official Plan, following approval of the proposed Official Plan Amendment.

   (iv) It implements the general intent of the Urban Hamilton Official Plan, which designates the lands “Arterial Commercial” and, as such, is considered compatible with the existing and planned development in the immediate area.

2. The area in question has been the subject of detailed review through the Municipal Comprehensive/Conversion Analysis Review, undertaken by the City of Hamilton, in preparation for the development of defensible employment land decisions. The result of this Municipal Comprehensive Review, with respect to the subject lands, was the conversion of its “Industrial” Designation, currently under the existing Ancaster Official Plan, to the “Arterial Commercial” Designation, under the new Urban Hamilton Official Plan.

   The proposed development is, therefore, considered to implement the type and form of development anticipated through this conversion, however, although Council and the Ministry have approved the removal of the subject lands from the City’s employment land supply, uncertainty surrounds the timing of the formal adoption of the new Urban Hamilton Official Plan as it currently has been appealed and is before the Ontario Municipal Board (OMB). Consequently,
applications for a Regional Official Plan Amendment and Local Official Plan Amendment have been submitted to the City of Hamilton for consideration. In addition, an application for Draft Plan of Subdivision Approval and Rezoning has been submitted in order to develop the lands for a commercial subdivision.

The subject lands comprise a total of 33.7 hectares of land, located on the north side of Wilson Street, within an area of Ancaster referred to as Duff’s Corners. The intent is to develop a portion of the site adjacent to Wilson Street West for commercial purposes (approximately 11 hectares), and to leave the rear portion of the site undeveloped (see Appendix “A”).

To facilitate the development, it is proposed that Portia Drive be extended from the existing terminus east to connect to a new roundabout at Wilson Street and McClure Road. One additional road access is proposed from Wilson Street and would connect to Portia Drive. This access would be a private driveway located within the middle of the subject lands. This private driveway would also extend beyond Portia Drive in order to provide additional connection and connectivity to the commercial development at the rear and a maintenance access to the undevelopable land beyond the ESA limit.

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 two percent (2%) 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 has been included in Recommendation (d)(iii) and through the Standard Form Subdivision Agreement.

4. In order to implement the subdivision, as proposed, the applicant is currently proposing the creation of a roundabout on Wilson Street West. A Traffic Impact Study, prepared by Paradigm Transportation Solutions Ltd., and dated July, 2010, was submitted in support of this traffic control measure, in addition to assessing the suitability of the lands for commercial development with respect to general traffic impacts.

Staff notes that the ultimate design solution for the roundabout, as well as access to lands to the east, has yet to be approved. To date, the applicant has not been able to demonstrate the feasibility of implementing the recommendations of the Traffic Impact Study because of the need to acquire lands from abutting owners, and of the additional impact to their land holdings based on a functional design
SUBJECT: Application for Approval of a Draft Plan of Subdivision, and Amendments to the Regional Official Plan, the Ancaster Official Plan, and Zoning By-law Nos. 87-57 and 05-200, for Lands Located at 1125-1143 Wilson Street West (Ancaster) (PED11102) (Ward 12)

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prepared by their consultant, which shows that it will require more land than shown on the draft plan. In addition, an approved roundabout design may have an impact on the alignment of the Portia Drive Extension which, in turn, would also affect the layout of blocks in the plan. Similar issues have been identified with the implementation of a traditional traffic signal. As such, a Holding provision has been recommended on the lands within the draft plan, subject to the approval of a Traffic Impact Study, and until the owner can demonstrate how the approved works can be implemented, to the satisfaction of the Senior Director of Growth Management; including access to abutting lands to the east. This Holding provision is detailed in Recommendation (c)(iii) and through the Special Conditions of Draft Plan Approval (see Condition No. 10 - Appendix “G”). It is considered that subject to the satisfaction of this Holding provision, the site is appropriate and suitable for the type and scale of development proposed.

5. The proposed subdivision also requires the construction of a planned centralized stormwater management facility (pond) to be located on lands owned by Transport Canada and the Ontario Realty Corporation (ORC); however, to date, an ultimate plan for stormwater management (SWM) has not been approved. As part of a previous application (Duff’s Corners Business Park), the City acquired an easement over part of Block 3 (Parts 1 and 2, Plan 62R-17629) to protect for implementation of the recommended plan for stormwater management, as well as to provide for any temporary storm drainage facilities. However, it is not the City’s current intention to expand the planned pond beyond the limits of the ORC/Transport Canada lands. Ultimately, pond construction is subject to an approved SWM plan and the acquisition of lands from ORC and Transport Canada. In order to ensure the necessary assessment and approvals occur prior to development, a Special Condition of Draft Plan Approval has been recommended (see Special Condition of Draft Plan Approval No. 1 - Appendix “G”). Furthermore, a number of other special development engineering conditions of approval would apply. These include obligations on the applicant to:

- Submit a revised FSR, which includes the evaluation of various SWM strategies in light of the need to address SWM at both the source and at end-of-pipe (centralized pond). The SWM analysis will need to address issues related to, but not limited to:

  (i) Findings and recommendations in other studies such as the Ancaster Industrial Park (Drainage Areas 1 and 2) Class EA and previous work completed for the Duff’s Corners Industrial Park.
(ii) Downstream conveyance impacts caused by increase volume of runoff.

(iii) Major overland flows.

(iv) Water quality and quantity treatment at source vs. end-of-pipe.

(v) Conveyance of flows from Wilson Street.

This will be secured through Special Condition of Draft Plan Approval No.1

A Water Servicing Report, prepared by Genivar, was submitted with the FSR and has identified restrictions with respect to water supply for the two largest development blocks; in particular, inadequate flows to fight fires. The Consultant indicates that these restrictions can be addressed on a site-by-site basis as a condition of development approval.

However, the City's standard approach to dealing with situations where municipal infrastructure cannot support the proposed zoning without special considerations is to include Holding provisions restricting the zoning. As examples, the City has imposed Holding provisions in the Flamborough Power Centre that capped development (limited GFA) based on traffic capacity; and in Waterdown South, a Holding provision was in place for a new school until the applicant could demonstrate that they could provide adequate flows to fight fires.

Therefore, staff is also recommending that these lands include a Holding provision for adequate water supply until such time as the owner/applicant can demonstrate how the restrictions, as identified in the Functional Servicing Report, are to be addressed, to the satisfaction of the Senior Director of Growth Management.

6. Staff notes that the subject lands are located within an area of archaeological potential. The proponent, in support of the application, submitted an Archaeological Assessment (Stage 1), prepared by Detritus Consulting, in September, 2010. The Study concluded that the area was rated high for archaeological potential and, as such, should be subject to a Stage 2 Archaeological Assessment. This approach is supported by City staff, and will be secured through the Standard Form Subdivision Agreement.

7. The subject lands are located adjacent to the Jerseyville Road Woodlot Environmentally Significant Area (ESA #39). In support of the application, the proponent submitted an Environmental Impact Assessment, compiled by Dougan
& Associates, dated July 29, 2011, and a further Addendum Report, dated March 2011. These studies have been reviewed by the Grand River Conservation Authority (GRCA), the Environmental Sensitive Area Impact Evaluation Group (ESAIEG), and City Staff. Staff, ESAIG, and the GRCA are all in agreement with the information subject to the Conditions of Draft Approval Recommended in Conditions 23, and 27 - 29 of Appendix “G”. Consequently, staff is satisfied that all potential negative impacts have been sufficiently identified and mitigated.

The lands to the north will, in addition, be placed within a modified Private Open Space “O1” Zone in order to restrict development and ensure continued preservation of key heritage features (see Appendix “D”). On this matter, it is noted that access to these lands is proposed to be established through a private easement between Blocks 1 and 2 of the subdivision only, as opposed to providing the lands with formal frontage on a public street. It is noted that as the development potential of the lands will be restricted to only Conservation and flood control facilities, that such access is appropriate. This will be secured through Draft Plan Condition 25 and the By-law proposed in Appendix “D”.

8. In accordance with Council’s Public Participation Policy, the application was originally pre-circulated to 55 property owners within 120 metres of the subject property in September 28, 2010. As a result of the pre-circulation, 2 letters were received. Both letters were from adjacent landowners, the first was from the property located at 1185 Wilson Street West. The owner of the motel located at this address raised some concerns over stormwater management and raised questions over the future zoning of the adjacent property (see Appendix “F”). Staff has met with the owner explaining both the status of the engineering review and the proposed zoning and the owner has since not raised any further concerns.

The second letter was received from the property located at 1172 Wilson Street West. The owner has requested that the proposed development not detrimentally affect the full turn entrance/exit to their site (see Appendix “F”). While the final controlled access point into the subject lands has yet to be approved, it is noted that any assessment by City staff would ensure sufficient regard is made to maintaining safe access and development potential of all adjacent lands. This is further detailed in the Holding provision detailed in Recommendation (c)(iii). Finally, a Public Notice sign was erected on the property on September 15, 2010.

9. The purpose of the applications is for approval of a Regional Official Plan Amendment, a Local Official Plan Amendment, a change in zoning, and a draft plan of subdivision, in order to permit the development of a commercial subdivision (see Appendix “E”).
As discussed previously, the conversion of the subject lands from the current "Industrial" designation to the “Commercial” designation has been reviewed, in detail, and considered appropriate through the formation of the new Urban Hamilton Official Plan. As such, the following analysis will use the Commercial Policies of the existing Ancaster Official Plan and the “Arterial Commercial” policies of the new Urban Hamilton Official Plan in order to assess the proposal, with particular regard to the specific uses and the performance standards requested.

The subject lands are located along Wilson Street West, in an area of Ancaster known as Duff’s Corners. The area in question is specifically recognized in the Ancaster Official Plan as an area anticipated for both Industrial and Commercial development. Given its geographical location, in addition to the anticipated mix of uses, the following policy provides guidance on the appropriate types of Commercial uses:

“Policy 3.1.7 …A concentration of commercial facilities at Duff’s Corners and in the Mohawk and Meadow Lands Communities will also be encouraged which would serve the needs of the future industrial development, the shopping needs of the Town and its surrounding area, as well as the needs of the traveling public. Such concentration of commercial facilities shall be in accordance with Policies 5.5.5 and 5.6.3 of this Plan.”

The applicant has requested that the following additional uses be permitted in addition to all the standard uses permitted within the Shopping Centre Commercial “C2” Zone and Urban Commercial “C4” Zone:

- Banquet Halls;
- Building Supply Sales;
- Home Improvement Retail Facilities;
- Motor Vehicle Service Stations or Garages;
- Motor Vehicle Gasoline Bars;
- Parking Areas and Structures; and,
- Open Storage and Sales Areas appurtenant to a permitted use, building, or structure.

The development will be comprised of both single-tenant and multi-tenant buildings. However, the principal tenant to be located within Block 2 of the proposed subdivision plan (see Appendix “E”) is understood to be a Home Improvement Retail Facility (Lowes). It is considered that this use is both appropriate and in accordance with the above policy. This type of use has
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greater demand for area, and given the variety of merchandise on sale, is focused on the travelling public. Furthermore, given the storage and operations that are conducted on site, it is considered that the type of use provides an appropriate transition between smaller scale commercial/retail and industrial uses.

Similarly, the requested uses detailed above are also considered to meet the specific intent of the designation, and can be supported. On this matter, it is noted that the draft City Wide ‘Arterial Commercial’ zoning category that would eventually implement this Official Plan Designation currently identifies all the above specified uses within the standard list of permitted uses.

In addition to the Home Improvement Retail Facility and the other specified uses detailed above, it is noted that a wide range of commercial uses are permitted as-of-right within the requested Shopping Centre Commercial “C2” Zone and Urban Commercial “C4” Zone. The applicant has requested the uses permitted within these standard zones be added to the list of specified uses detailed above in order to provide flexibility with respect to the tenants of the smaller commercial sites within the subdivision. These uses have been assessed with respect to the above policy, and given the range of uses sought, there are concerns that several of the uses are beyond the commercial uses anticipated within this area of Duff’s Corners. In particular, staff considers insufficient information has been provided in order to justify that a wide range of retail commercial uses without any restriction on GFA or unit size throughout the site are necessary to meet the needs of the Town. In substantiating the requirement for information necessary to ascertain the needs of the Town, it is considered that Policy 5.5.5 provides the context, as it clearly states that ‘evidence is needed’ to locate shopping centre facilities within this area.

In this regard, staff has determined that the uses that would fall within the “Arterial Commercial” designation within the New Urban Hamilton Official Plan would have satisfied this requirement for ‘evidence’ given that the Comprehensive Review has been completed including, but not limited to, background studies that had been conducted through the formation of the document, and furthermore, that Council has supported this land use designation. However, the unrestricted accommodation of general commercial uses at the scale proposed, beyond those uses deemed strictly ‘Arterial Commercial’ (as defined by the New Urban Hamilton Official Plan), is considered instead to remain subject to this requirement for further review/justification.
Consequently, in order to meet the intent of this policy and avoid the need for additional comprehensive evidence based justification, staff is of the opinion that restrictions should be placed on the type and scale of uses (particularly retail commercial uses) outside of the uses anticipated in the ‘Arterial Commercial’ designation in the New Urban Hamilton Official Plan. It is considered that provided the majority of the site is dedicated to strictly arterial commercial type uses, the balance of the lands may accommodate a mix of other more general commercial type uses without compromising the intent of the Official Plan or the viability of existing general commercial uses within Ancaster.

Indeed, this position is supported when one assesses the intent and implications of the policy framework of the New Urban Hamilton Official Plan. It is noted that the “Arterial Commercial” designation, which has been applied to the lands within the New Urban Hamilton Official Plan, provides further guidance on the types of uses considered appropriate within this particular location.

“Policy 4.8 The Arterial Commercial designation is intended to provide for a range of uses catering to the traveling or drive-by consumer, as well as retail stores, which are land extensive and require outdoor storage or sales and cannot be appropriately accommodated in the other designations.”

While it is considered that the specified uses, particularly the Home Improvement Retail Facility meets the intent of this policy, it is noted that a number of uses permitted within the standard “C2” and “C4” commercial zones are specifically prohibited within the New Urban Hamilton Official Plan, as per Policy 4.8.3, which states:

“Policy 4.8.3 Notwithstanding Policy E.4.8.2, the following uses shall be prohibited on lands designated Arterial Commercial

a) Department Stores;
b) Food Stores;
c) Residential uses; and,
d) Stores primarily selling apparel, housewares, electronics, sporting goods, or general merchandise.”

Using Policy 3.1.7 from the existing Ancaster Official Plan, in addition to the Arterial Commercial Policies of the New Urban Official Plan, it is not considered that the full range of uses permitted in the standard “C2” and “C4” zone can be supported unrestricted throughout the entire site. It is clear from the above policies that a focus must be on uses with specific locational and land
requirements, which cannot be appropriately accommodated in the other designations. Providing a wide range of commercial uses that can be accommodated in other designations, and which are not dependent on the traveling public, would be incongruent with both the existing and the emerging policy direction for this area, and potentially jeopardize the commercial viability of areas within the Ancaster Downtown and previously established Ancaster commercial nodes.

Therefore, in the absence of sufficient justification, and in addition to the fact that an unrestricted range of commercial uses would be contrary to the planned policy framework identified for the area in general, and its ‘Arterial Commercial’ designation in particular, staff is not in support of the request to include all the standard commercial uses of the “C2” and “C4” Zones unrestricted throughout the site. As such, as detailed in the amending Zoning By-law, those uses considered to fall outside of the ‘Arterial Commercial’ designation will be restricted through two approaches to be embedded with the amending By-law.

Firstly, in order to ensure the predominant function of the site is dedicated to arterial commercial uses that primarily attract the traveling public and are land expansive, GFA caps have been introduced for each proposed development block. These caps (detailed in Appendix “D”) will ensure that the restricted commercial uses remain secondary in terms of maximum gross floor area permitted, compared to those arterial commercial uses. Secondly, within certain portions of the site, the GFA provisions of the restricted commercial uses permitted will be further restricted in order to ensure a minimum Gross Floor Area of 500 square metres for each individual tenant. It is considered that those restricted commercial uses located within the subject lands should be larger commercial units and, as such, would, therefore, less likely compete with the more pedestrian orientated, smaller commercial units located in the Village Core; and, subsequently, be more in line with providing commercial uses directed towards the traveling public.

It is considered that, collectively, these restrictions will ensure the predominant use of the site will comply with the Urban Hamilton Official Plan designation and not significantly undermine or prejudice the Urban Structure of Ancaster (see Appendix “D”).

Notwithstanding the above, as discussed earlier, while the proposed restrictions are considered necessary to ensure compliance with the general intent of the commercial policies of the existing Ancaster Official Plan and the Regional Hamilton Official Plan, an amendment to the Urban Hamilton Official Plan will still be required as a result of Policy 4.8.3, which specifically restricts certain
commercial uses being recommended in the attached amending By-law. This is detailed in Recommendation (e) of Page 3 of this Report, and in Appendix “H”.

Requested Modifications

In addition to the list of uses proposed, the applicant has also requested a number of modifications to the implementing By-law with respect to setbacks, parking, and landscaping. As detailed in the Policy Implications section, both the current and New Urban Hamilton Official Plan contain a number of design related policies. It is considered that these design criteria will be assessed in detail through the required urban design brief (see Condition 26) and implemented through the Site Plan process.

In addition, notwithstanding the level of control to be exerted through the Site Plan process and the approval of a design brief, the implementing By-law will also impose detailed provisions regarding sound urban design principles, to be incorporated for those buildings to be constructed along Wilson Street West. These provisions are consistent with other design approaches placed on similar developments within the City that are located adjacent to prominent arterial routes, and are intended to ensure a consistent building presence and sense of location. These treatments detailed in the amending By-law (see Appendix “D”) include restrictions on the maximum setback from Wilson Street West of 6 metres, a minimum ratio of building along the Wilson Street frontage (40%), elevational restrictions, as well as restrictions on features such as drive thru’s.

In addition to these staff recommended By-law provisions, it is noted that a number of modified performance standards have also been requested by the applicant. These will be addressed in the amending By-law and, as such, each request will be assessed through the detailed review below.

Minimum Front Yard

The applicant has requested a minimum front yard of 1.5m, whereas 15m is required in the standard “C2” Zone. Staff notes that new urbanism encourages street orientated buildings in order to provide context and enhance the scale and visual interest of the streetscape.

It is also noted that the application would be facilitating the extension of Portia Drive through the subject lands and, as such, the amendment would permit the buildings located at the rear of the site to have greater visibility from Wilson Street West, given that they would be permitted to be located closer to Portia Drive.
In principle, a reduction to the 15m front yard setback can, therefore, be supported; however, it is considered that a minimum 3m landscape strip, in addition to this front yard setback, would be appropriate, as it would permit a functional landscaping strip along each frontage where buildings do not exist. Furthermore, it is noted that pedestrian circulation will need to be accommodated throughout the subject lands and that this would, in most areas of the site, be required to be located within and around the required setbacks and landscaping areas. Consequently, staff is recommending that the landscaping strip requirements be a minimum of 3m, but shall support the location of walkways and buildings within these areas. This is detailed in Appendix “D”.

Minimum Rear Yard

The applicant has requested a minimum rear yard of 10m, whereas 15m is required in the standard “C2” Zone for those rear yards abutting a street. It is considered that this proposed modification is relatively minor, and would affect only those buildings located along Wilson Street West, south of the proposed extension of Portia Drive. Given the context of the site and the comprehensive form of development, it is not considered that this modification would have any adverse impact upon the character of the area or functionality of the site.

Minimum Side Yard

The applicant has requested a minimum side yard of 1.5m, whereas 15m is required in the standard “C2” Zone. It is considered that sufficient treatments can be secured through the approval of a design brief and through Site Plan Control in order to ensure that the requested reduction of the side yard setback would not have any adverse impact upon the character of the area or functionality of the site. Furthermore, it is noted that a provision will also be recommended that would permit a minimum internal side yard of 0.0m where this side yard abuts a private vehicular turnaround. This would concern only the northern part of Block 1 and, as such, is not considered to have any impact upon the character or functionality of the site.

Landscaping

The applicant is requesting a minimum 1m landscaping strip abutting a street, whereas a 6m landscaping strip is required. As discussed above, a minimum 3m landscaping strip is considered appropriate and should be maintained, but shall be permitted to accommodate a pedestrian walkway (see Appendix “D”).
Parking

The applicant has requested a generic parking ratio of 3.5 spaces per 93 sq.m. Although not considered a shopping centre, it is recognized that the above ratio would be in line with the parking standards established for multi-unit commercial sites within Ancaster and Hamilton in general, including but not limited to the recent development at 165 Upper Centennial Parkway. The ratio would be based on gross floor area of each commercial unit and, as such, is considered appropriate.

Frontage

Although not identified by the applicant, it is noted that the additional lands of Owner B (Red Lined Revised on the Plan to Block 10) adjacent Wilson Street West will, once created, be deficient in frontage. The frontage of this parcel of land would not be sufficient to meet the 60m minimum frontage, as required in the standard “C2” zone. As such, a site-specific modification would be required in order to permit a minimum frontage of 30m for this parcel of land. It is not considered, given that the ultimate design of the subject lands will be secured through the subdivision process, that this reduced frontage would have any adverse impact.

Furthermore, it is noted that this created parcel of land would not be permitted direct access onto Wilson Street West (as detailed the Zoning By-law) and, as such, would not prejudice highway safety through the requirement of an additional access point. Consequently staff is in support of this modification detailed in Appendix “D”.

Finally, a provision will be added to the amending By-law that shall permit the frontage for the Private Open Space “O1” lands to have a reduced frontage, and for the definition of frontage to include access from a private road.

Easements/Rights of Way

The subdivision includes lands currently under two separate ownerships. Given the proposed layout of the site (see Appendix “E”), which includes private driveways and access easements to be shared by the two owners, in addition to the fact that certain blocks will not be permitted direct access onto Wilson Street or McClure Road (Blocks 3, 4, and the additional lands of Owner B (Block 10)), the Zoning By-law and Subdivision conditions shall require restriction on accesses to certain Blocks and the establishment on title of easements and
reciprocal rights-of-way for vehicular and pedestrian traffic (see Appendix “D” and Draft Plan Conditions 18 and 20 of Appendix “G”).

Future Development Blocks

It is noted that Blocks 4, 5, 6, and 7 are considered as future development blocks. As a result of their size and shape, it is considered that these remnant parcels will remain undeveloped. In order to ensure comprehensive and considered final development of the area, a subdivision condition has been recommended requesting that these parcels be developed in conjunction with adjoining lands (see Draft Plan Condition 30).

Finally, it is noted that the additional lands of Owner (B), adjacent Wilson Street West, were not originally being considered part of the formal subdivision application. However, in order to ensure the parcel of land is not created by default through the adjacent subdivision, and proceed to development without sufficient control by the municipality for aspects including, but not limited to cost recoveries, this Block of land has been red lined revised into the Draft Plan of Subdivision, and is now considered as Block 10 of the proposed Draft Plan (see Appendix “E”).

In conclusion, it is considered that the proposed development, subject to the Holding provision, By-laws, and Conditions of Draft Approval, represents an appropriate type and form of development that generally implements the plan for the commercial re-development of the subject lands, as identified in the Ministerial Approved New Urban Official Plan, and contributes to the mix of land uses envisioned within the Duff’s Corner area.

**ALTERNATIVES FOR CONSIDERATION:**

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

Should the proposed Regional Official Plan Amendment, Local Official Plan Amendment, Draft Plan of Subdivision, and changes in zoning be denied, the subject lands could be developed for uses permitted within the existing Agricultural “A” Zone.
SUBJECT: Application for Approval of a Draft Plan of Subdivision, and Amendments to the Regional Official Plan, the Ancaster Official Plan, and Zoning By-law Nos. 87-57 and 05-200, for Lands Located at 1125-1143 Wilson Street West (Ancaster) (PED11102) (Ward 12) - Page 37 of 37

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)


Environmental Stewardship

• Natural resources are protected and enhanced.

Healthy Community

• Plan and manage the built environment.
• An engaged Citizenry.

APPENDICES / SCHEDULES

• Appendix “A”: Location Plan
• Appendix “B”: Draft Regional Official Plan Amendment
• Appendix “C”: Draft Official Plan Amendment (Ancaster)
• Appendix “D”: Draft Zoning By-law Amendment (By-law 87-57)
• Appendix “E”: Draft Plan of Subdivision
• Appendix “F”: Public Comments
• Appendix “G”: Special Conditions of Draft Approval
• Appendix “H”: Draft Urban Hamilton Official Plan Amendment
• Appendix “I”: Concept Plan

:EJ
Attachs. (9)
Location Map

Subject Property
1125 - 1143 Wilson Street West, Ancaster

Block 1: Change in Zoning from the Agricultural "A" Zone to the Holding-Shopping Centre Commercial "H-C2-629" Zone, Modified

Block 2: Change in Zoning from the Agricultural "A" Zone to the Holding-Shopping Centre Commercial "H-C2-630" Zone, Modified

Block 3: Change in Zoning from the Agricultural "A" Zone to the Holding-Shopping Centre Commercial "H-C2-634" Zone, Modified

Block 4: Change in Zoning from the Agricultural "A" Zone to the Holding-Shopping Centre Commercial "H-C2-635" Zone, Modified

Block 5: Change in Zoning from the Agricultural "A" Zone to the Private Open Space "O1-633" Zone, Modified

File Name/Number: ZAC-10-035/OPA-10-012/ROPA-2010-002/25T-201005
Date: June 10, 2011
Appendix "A"
Scale: N.T.S.
Planner/Technician: EJ/NB

Ward 12 Key Map
Appendix “B” to Report PED11102 (Page 1 of 3)

Schedule “1”

Draft Amendment No. [ ]

to the

Official Plan of the Former Regional Municipality of
Hamilton-Wentworth

The following text with Schedule “A” constitutes Regional Official Plan Amendment No. [ ] to the Regional Official Plan of the former Regional Municipality of Hamilton-Wentworth.

Purpose:

The purpose of this amendment is to:

- Change the land use designation of the subject lands from “Urban Areas - Business Parks” to “Urban Area”, in order to accommodate Commercial uses.

Location:

The lands affected by this amendment are located north of Wilson Street West, known municipally as 1125-1143 Wilson Street West.

Basis:

The basis for permitting the proposal 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 is consistent with the Council adopted and Ministerial approved City of Hamilton’s Urban Official Plan.

Actual Changes:

A. Map Changes:

Map No. 1 - Regional Development Pattern be revised by changing the land use designation for the subject lands from “Urban Areas - Business Parks” to “Urban Area”, as shown on the attached Schedule “A” to this Amendment.
Implementation:

A Local Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision, and Site Plan will give effect to this Amendment.

This is Schedule "1" to By-law No. ____, passed on the ____ day of ____, 2011.

The City of Hamilton

_______________________                                __________________________
R. Bratina                                                        Rose Caterini
Mayor        Clerk
Draft Amendment No. [Redacted] to the

Official Plan of the Former Town of Ancaster

The following text constitutes Official Plan Amendment No. [Redacted] to the Official Plan of the former Town of Ancaster.

Purpose:

The purpose of this amendment is to:

- Change the land use designation of the subject lands from “Industrial” to “Commercial”, in order to accommodate Commercial uses.

Location:

The lands affected by this amendment are located north of Wilson Street West, known municipally as 1125-1143 Wilson Street West.

Basis:

The basis for permitting the proposal 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 upon the passing of Regional Official Plan Amendment No. [Redacted].

- The proposed amendment will provide a range of uses predominately focused on the travelling public.

Actual Changes:
A. **Schedule Changes:**

Schedule "B", Land Use Map, be revised by changing the land use designation for the subject lands from “Industrial” to “Commercial”, as shown on the attached Schedule “A” to this Amendment.

**Implementation:**

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

This is Schedule "1" to By-law No. _____, passed on the _____ day of _____, 2011.

The City of Hamilton

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

BY-LAW NO.  

To Amend Zoning By-law No. 87-57 (Ancaster),
Respecting Lands Located at 1125-1143 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 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;

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 approval of Official Plan Amendment No. , proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;

AND WHEREAS this by-law will be in conformity with the Hamilton-Wentworth Regional Official Plan upon approval of Regional Official Plan Amendment No. , proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act;
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 5 to Schedule “A” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural “A” Zone:

   (a) to the Holding-Shopping Centre Commercial “H-C2-629” Zone, the lands comprised in Block 1;

   (b) to the Holding-Shopping Centre Commercial “H-C2-630” Zone, the lands comprised in Block 2;

   (c) to the Holding-Shopping Centre Commercial “H-C2-634” Zone, the lands comprised in Block 3;

   (d) to the Holding-Shopping Centre Commercial “H-C2-635” Zone, the lands comprised in Block 4;

   (e) to the Private Open Space “O1-633” Zone, the lands comprised in Block 5;

   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:

   H-C2-629  That notwithstanding the provisions in Sections 22.1 and 22.2 of the Shopping Centre Commercial “C2” Zone and the provisions of Sections 3.0: Definitions and 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster, the following special provisions shall apply to the lands zoned “H-C2-629”, described as 1125-1143 Wilson Street West:

   1.0  Permitted Uses

   Notwithstanding Section 22.1, the following General Commercial and Restricted Commercial Uses shall be permitted. These uses shall be permitted to a maximum aggregate total of 10,600 square metres of Gross Floor Area on the lands zoned under this Sub-section.

   General Commercial
   Home Furnishing Retail Establishment
   Home Improvement Supply Establishment
   Conference or Convention Centre
   Brewers Retail Store
   Building Supply Sales
Nurseries, Garden Centres and Landscaping establishments
Caterers
Places of Entertainment or recreation within wholly enclosed buildings
Recreational vehicle sales, service and rental
Recreational areas or uses, miniature golf courses and golf driving ranges
Parking Areas or Structures
Establishments providing educational or instructional services
Craft and custom workshops
Rental establishments or service shops
Farm Implement sales and/or service establishments
Hotels
Motor Vehicle service stations
New and/or used motor vehicle sales establishment
Restaurants and fast food restaurants
Fuel and lubricant wholesale establishments
Animal Hospital
Auctioneer establishments
Banks and Financial Institutions
Business and Professional Offices
Real Estate Offices
Medical Clinics
Medical Office
Liquor Control Board of Ontario Stores
Medical and dental laboratories
Gymnasiums or health clubs
Uses, buildings, and structures accessory to permitted uses, including open storage

**Restricted Commercial**
Retail Stores
Convenience retail stores
Barber shops, hairdressing shops, and beauty shops
Automatic Laundry shops, automatic dry-cleaning shops
Drugstores
Department stores and other general merchandise
Personal Service Shops

a) Restricted Commercial uses found in Section 1.0 above shall have a Minimum Floor Area of 500 square metres, except that a maximum of 1,500 square metres of Floor Area of the Restricted Commercial Uses shall be permitted to have a Minimum Floor Area below 500 square metres.
2.0 Regulations

Notwithstanding Sections 22.2 and 7.14, the following provisions apply:

(a) Minimum Front Yard 1.5 metres, except as provided in (e) below.

(b) Minimum Side Yard 1.5 metres, except where an interior side yard abuts a private vehicular turnaround, a 0.0 metre side yard shall be permitted.

(c) Minimum Rear Yard 10.0 metres.

(d) Minimum Frontage 30 metres.

(e) Minimum Landscaping Strip 3.0 metres adjacent each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units (but shall permit the location of principal buildings, walkways/sidewalks, retaining walls, curbs, signs, and light standards within required landscaping strip).

(f) Parking for all uses shall be provided at a rate of 3.5 spaces for each 93 square metres of Gross Floor Area or part thereof.

The 'H' Holding prefix shall be lifted from the “H-C2-629” Zone once the following conditions have been completed, to the satisfaction of the Senior Director of Growth Management and the Manager of Traffic Engineering:

i) The approval of a Traffic Impact Study and until the owner/applicant can demonstrate how the approved works can be implemented, to the satisfaction of the Senior Director of Growth Management and the Manager of Traffic Engineering.
ii) Until such time as the owner/applicant demonstrates how the restrictions concerning water supply, as identified in the Functional Servicing Report, are to be addressed, to the satisfaction of the Senior Director of Growth Management.

**H-C2-630**

That notwithstanding the provisions in Sections 22.1 and 22.2 of the Shopping Centre Commercial “C2” Zone and the provisions of Sections 3.0: Definitions and 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster, the following special provisions shall apply to the lands zoned “H-C2-630”, described as 1125-1143 Wilson Street West:

### 1.0 Permitted Uses

Notwithstanding Section 22.1, only the following General Commercial Uses shall be permitted. These uses shall be permitted to a maximum aggregate total of 14,870 square metres of Gross Floor Area on the lands zoned under this Sub-section.

- Home Furnishing Retail Establishment
- Home Improvement Supply Establishment
- Conference or Convention Centre
- Brewers Retail Store
- Building Supply Sales
- Nurseries, Garden Centres and Landscaping establishments
- Caterers
- Places of Entertainment or recreation within wholly enclosed buildings
- Recreational vehicle sales, service and rental
- Recreational areas or uses, miniature golf courses and golf driving ranges
- Parking Areas or Structures
- Establishments providing educational or instructional services
- Craft and custom workshops
- Rental establishments or service shops
- Farm Implement sales and/or service establishments
- Hotels
- Motor Vehicle service stations
- New and/or used motor vehicle sales establishment
- Restaurants and fast food restaurants
- Fuel and lubricant wholesale establishments
- Animal Hospital
- Auctioneer establishments
- Banks and Financial Institutions
- Business and Professional Offices
- Real Estate Offices
- Medical Clinics
- Medical Office
Liquor Control Board of Ontario Stores
Medical and dental laboratories
Gymnasiums or health clubs
Uses, buildings, and structures accessory to permitted uses, including open storage

2.0 Regulations

Notwithstanding Sections 22.2 and 7.14, the following provisions apply:

(a) Minimum Front Yard 1.5 metres, except as provided in (e) below.

(b) Minimum Side Yard 1.5 metres, except where an interior side yard abuts a private vehicular turnaround, a 0.0 metre side yard shall be permitted.

(c) Minimum Rear Yard 10.0 metres.

(d) Minimum Frontage 30 metres.

(e) Minimum Landscaping Strip 3.0 metres adjacent each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units (but shall permit the location of principal buildings, walkways/sidewalks, retaining walls, curbs, signs, and light standards within the required landscaping strip).

(f) Parking for all uses shall be provided at a rate of 3.5 spaces for each 93 square metres of Gross Floor Area or part thereof.

The 'H' Holding prefix shall be lifted from the “H-C2-630” Zone once the following conditions have been completed, to the satisfaction of the Senior Director of Growth Management and the Manager of Traffic Engineering:
i) The approval of a Traffic Impact Study and until the owner/applicant can demonstrate how the approved works can be implemented, to the satisfaction of the Senior Director of Growth Management and the Manager of Traffic Engineering.

ii) Until such time as the owner/applicant demonstrates how the restrictions concerning water supply, as identified in the Functional Servicing Report, are to be addressed, to the satisfaction of the Senior Director of Growth Management.

**H-C2-634**

That notwithstanding the provisions in Sections 22.1 and 22.2 of the Shopping Centre Commercial “C2” Zone and the provisions of Sections 3.0: Definitions and 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster, the following special provisions shall apply to the lands zoned “H-C2-634”, described as 1125-1143 Wilson Street West:

### 1.0 Permitted Uses

Notwithstanding Section 22.1, only the following General Commercial and Restricted Commercial Uses shall be permitted. These uses shall be permitted to a maximum aggregate total of 3,160 square metres of Gross Floor Area on the lands zoned under this Sub-section.

**General Commercial**

- Home Furnishing Retail Establishment
- Home Improvement Supply Establishment
- Conference or Convention Centre
- Brewers Retail Store
- Building Supply Sales
- Nurseries, Garden Centres and Landscaping establishments
- Caterers
- Places of Entertainment or recreation within wholly enclosed buildings
- Recreational vehicle sales, service and rental
- Recreational areas or uses, miniature golf courses and golf driving ranges
- Parking Areas or Structures
- Establishments providing educational or instructional services
- Craft and custom workshops
- Rental establishments or service shops
- Farm Implement sales and/or service establishments
- Hotels
- Motor Vehicle service stations
- New and/or used motor vehicle sales establishment
- Restaurants and fast food restaurants
Fuel and lubricant wholesale establishments
Animal Hospital
Auctioneer establishments
Banks and Financial Institutions
Business and Professional Offices
Real Estate Offices
Medical Clinics
Medical Office
Liquor Control Board of Ontario Stores
Medical and dental laboratories
Gymnasiums or health clubs
Uses, buildings, and structures accessory to permitted uses, including open storage

 Restricted Commercial
Retail Stores
Convenience retail stores
Barber shops, hairdressing shops, and beauty shops
Automatic Laundry shops, automatic dry-cleaning shops
Drugstores
Department stores and other general merchandise
Personal Service Shops

2.0 Regulations

Notwithstanding Sections 22.2 and 7.14, the following provisions apply:

(a) Minimum Front Yard 1.5 metres, except as provided in (e) below.

(b) Minimum Side Yard 1.5 metres, except where an interior side yard abuts a private vehicular turnaround, a 0.0 metre side yard shall be permitted.

(c) Minimum Rear Yard 10.0 metres.

(d) Minimum Frontage 30 metres.

(e) Minimum Landscaping Strip 3.0 metres adjacent each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units (but shall
permit the location of principal buildings, walkways/sidewalks, retaining walls, curbs, signs, and light standards within required landscaping strip).

(f) In addition to the regulations detailed above, the following shall also apply:

Within 20 metres of the Wilson Street West lot line, the minimum façade shall be equal to 40% or more of the measurement of the Wilson Street Lot Line, and shall be subject to the following:

1) A maximum building set back of 6.0 metres;

2) A minimum of 50% of the area of the ground floor façade shall be composed of windows and doors; and,

3) No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between the building façade facing Wilson Street and Wilson Street.

(g) Parking for all uses shall be provided at a rate of 3.5 spaces for each 93 square metres of Gross Floor Area or part thereof.

(h) No direct access to the planned northerly extension of McClure Road will be permitted. A maximum of 1 private driveway will be permitted along Wilson Street.

The 'H' Holding prefix shall be lifted from the “H-C2-634” Zone once the following conditions have been completed, to the satisfaction of the Senior Director of Growth Management and the Manager of Traffic Engineering:

i) The approval of a Traffic Impact Study and until the owner/applicant can demonstrate how the approved works can be implemented, to the satisfaction of the Senior Director of Growth Management and the Manager of Traffic Engineering.
Appendix “D” to Report PED11102 (Page 10 of 15)

ii) Until such time as the owner/applicant demonstrates how the restrictions concerning water supply, as identified in the Functional Servicing Report, are to be addressed, to the satisfaction of the Senior Director of Growth Management.

3.0 Definitions

Notwithstanding Section 3.0, the following provisions apply:

(a) “Façade” shall mean a building or series of building walls facing a street.

H-C2-635

That notwithstanding the provisions in Sections 22.1 and 22.2 of the Shopping Centre Commercial “C2” Zone and the provisions of Sections 3.0: Definitions and 7.14: Parking and Loading of Zoning By-law No. 87-57 of the Town of Ancaster, the following special provisions shall apply to the lands zoned “H -C2-635”, described as 1125-1143 Wilson Street West:

1.0 Permitted Uses

Notwithstanding Section 22.1, only the following General Commercial and Restricted Commercial Uses shall be permitted. General Commercial uses shall be permitted to a maximum aggregate total of 2,350 square metres of Gross Floor Area, and Restricted Commercial uses shall be permitted to a maximum aggregate total of 465 square metres of Gross Floor Area on the lands zoned under this Sub-section.

General Commercial
Home Furnishing Retail Establishment
Home Improvement Supply Establishment
Conference or Convention Centre
Brewers Retail Store
Building Supply Sales
Nurseries, Garden Centres and Landscaping establishments
Caterers
Places of Entertainment or recreation within wholly enclosed buildings
Recreational vehicle sales, service and rental
Recreational areas or uses, miniature golf courses and golf driving ranges
Parking Areas or Structures
Establishments providing educational or instructional services
Craft and custom workshops
Rental establishments or service shops
Farm Implement sales and/or service establishments
Hotels
Motor Vehicle service stations
New and/or used motor vehicle sales establishment
Restaurants and fast food restaurants
Fuel and lubricant wholesale establishments
Animal Hospital
Auctioneer establishments
Banks and Financial Institutions
Business and Professional Offices
Real Estate Offices
Medical Clinics
Medical Office
Liquor Control Board of Ontario Stores
Medical and dental laboratories
Gymnasiums or health clubs
Uses, buildings, and structures accessory to permitted uses, including open storage

**Restricted Commercial**
Retail Stores
Convenience retail stores
Barber shops, hairdressing shops, and beauty shops
Automatic Laundry shops, automatic dry-cleaning shops
Drugstores
Department stores and other general merchandise
Personal Service Shops

2.0 **Regulations**

Notwithstanding Sections 22.2 and 7.14, the following provisions apply:

(a) **Minimum Front Yard** 1.5 metres, except as provided in (e) below.

(b) **Minimum Side Yard** 1.5 metres, except where an interior side yard abuts a private vehicular turnaround, a 0.0 metre side yard shall be permitted.

(c) **Minimum Rear Yard** 10.0 metres.

(d) **Minimum Frontage** 30 metres.
(e) Minimum Landscaping Strip 3.0 metres adjacent each lot line which abuts a public street or lot containing a dwelling comprising one or two dwelling units (but shall permit the location of principal buildings, walkways/sidewalks, retaining walls, curbs, signs, and light standards within required landscaping strip).

(f) In addition to the regulations detailed above, the following shall also apply:

Within 20 metres of the Wilson Street West lot line, the minimum façade shall be equal to 40% or more of the measurement of the Wilson Street Lot Line, and shall be subject to the following:

1) A maximum building set back of 6.0 metres, unless a greater setback is required in order to accommodate a servicing easement;

2) A minimum of 50% of the area of the ground floor façade shall be composed of windows and doors; and,

3) No parking, driveways, drive through lanes, stacking lanes, or aisles shall be located between the building façade facing Wilson Street and Wilson Street.

(g) Parking for all uses shall be provided at a rate of 3.5 spaces for each 93 square metres of Gross Floor Area or part thereof.

(h) No direct access to Wilson Street will be permitted.

The 'H' Holding prefix shall be lifted from the “H-C2-635” Zone once the following conditions have been completed, to the satisfaction of the Senior Director of Growth Management and the Manager of Traffic Engineering:
i) The approval of a Traffic Impact Study and until the owner/applicant can demonstrate how the approved works can be implemented, to the satisfaction of the Senior Director of Growth Management and the Manager of Traffic Engineering.

ii) Until such time as the owner/applicant demonstrates how the restrictions concerning water supply, as identified in the Functional Servicing Report, are to be addressed, to the satisfaction of the Senior Director of Growth Management.

3.0 Definitions

Notwithstanding Section 3.0, the following provisions apply:

(a) “Façade” shall mean a building or series of building walls facing a street.

O1-633 That notwithstanding the provisions in Sections 32.1 and 32.2 of the Private Open Space “O1” Zone and the provisions of Section 3: “Definitions”, the following special provisions shall apply to the lands zoned “O1-633”, described as 1125-1143 Wilson Street West:

1.0 Permitted Uses

Notwithstanding Sections 32.1, only the following uses shall be permitted:

Conservation
Flood and Erosion Control Facilities

2.0 Regulations

Notwithstanding Section 32.2, the following provisions apply:

a) Minimum Lot Frontage 10 metres.

3.0 Definitions

Notwithstanding Section 3.0, the following provisions apply:

a) The definition of a Lot shall include lands that front onto a private driveway.

b) “Conservation” shall mean the use of land, buildings, or structures for the purpose of the protection and management of the natural environment.
3. That the amending by-law be added to Map 5 of Schedule “A” 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 [date] day of [date], 2011.

______________________________  ______________________________
R. Bratina                      Rose Caterini
Mayor                           Clerk

ZAC-10-035 / 25T201005 / ROPA-2010002 / OPA-2010-012
This is Schedule "A" to By-Law No. 11-
Passed the .......... day of ................., 2011

Schedule "A"

Map Forming Part of By-Law No. 11-____
to Amend By-law No. 87-57

Subject Property
1125 - 1143 Wilson Street West, Ancaster

- Block 1: Change in Zoning from the Agricultural "A" Zone to the Holding-Shopping Centre Commercial "H-C2-629" Zone, Modified
- Block 2: Change in Zoning from the Agricultural "A" Zone to the Holding-Shopping Centre Commercial "H-C2-630" Zone, Modified
- Block 3: Change in Zoning from the Agricultural "A" Zone to the Holding-Shopping Centre Commercial "H-C2-634" Zone, Modified
- Block 4: Change in Zoning from the Agricultural "A" Zone to the Holding-Shopping Centre Commercial "H-C2-635" Zone, Modified
- Block 5: Change in Zoning from the Agricultural "A" Zone to the Private Open Space "O1-633" Zone, Modified
Dear Mr. Edward-John,

We are the owners of the property located at 1185 Wilson Street West, abutting the lands of the above project. At this point, we do not have any serious objection to above development. We do understand the above developments are prestigious projects to the city of Hamilton and Ancaster.

We also understand that you will be very fair and reasonable to all other lands located in the vicinity of above projects.

Our main concern at this point is "Their storm water drainage management." As you already know that there is a small shallow watercourse running through our property at this time and it catches all the part of the storm water from above project's land. As per our observation during last ten years, most time it is dry, but during spring thaw and at some occasional time due to heavy rain. Most of the stream was about 5 to 8 cm deep.

We have two questions at this point:
1) How they are designing to take all the storm water from above project's catchment from pre-development period? As most open land, and grass areas will be now asphalting, the runoff coefficient will be much higher (somewhere from 0.9 to 0.98% of caught water).
2) What will be the status of zoning of other land in the area?

Our motel's basement area is below the shallow water course. If it will be flooded with extra water then there is a likely a situation occurs when our basement will be flooded so we will have loss of business as well a loss of property. Who will be responsible for that?

This is only our concerns. And I know your expert planning department will take care of these likely situations not to occur.

Finally, thanks for giving us an opportunity to present our concerns.

Shirish and Prafula Patel
1185 Wilson Street
Ancaster, ON
L9G 3K9

www.maplefarmmotel.com

C.C. Councillor Lloyd Ferguson
September 20, 2010

City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning West Section
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Attention: Mr. Edward John

RE: FILE NOS: ZAC-10-035, OPA-10-012, ROPA-10-002 and 25T-201005

Dear Sir:

We are the owners of 1172 Wilson Street West, Hamilton and we are in receipt of your notice regarding the above referenced applications.

In general we support the applications as we feel that this part of Wilson Street is commercial in nature and further development should be complimentary.

Our concern is to ensure that any development does not affect the full turn entrance/exit for our site.

We would like to be placed on the mailing list for any reports/recommendations so that we can continue to assess the impact on our site.

Yours very truly

SQUARECO PROPERTIES INC.

[Signature]

BS:jm
Encl.

1550 Kingston Road, Suite 300, Pickering, Ontario L1V 1C3 Tel: (905) 839-0000 Fax: (905) 839-5362

assembay of international Council of Shopping Centers
Special Conditions of Draft Plan Approval for 25T-201005, 1125-1143 Wilson Street, Ancaster

That this approval apply to the Draft Plan of Subdivision, 25T-201005, prepared by IBI Group., and certified by B.J. Clarke, O.L.S., dated July 27, 2010, as Red Lined Revised, showing 4 Blocks for Commercial Development (Blocks 1-3 and Block 10), 4 Blocks for Future Development (Blocks 4-7), 2 Blocks for Road Widenings (Blocks 8 and 9), and the extension of Portia Drive (Street “A”), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the following Special Conditions:

1. That, prior to the servicing of the draft plan of subdivision, the owner shall submit and complete the following, to the satisfaction of the Senior Director of Growth Management:

   i) The owner shall submit a detailed Stormwater Management Report, prepared by a qualified professional engineer, to demonstrate how quality and quantity control criteria will be achieved in accordance with the MOE Stormwater Management Planning and design Manual - 2003, the Ancaster Industrial Park (Drainage Areas 1 and 2) and Tradewind Drive Municipal Class Environmental Assessment and any subsequent analysis or updates, and the City of Hamilton Stormwater Management policies;

      The Report shall identify the potential downstream drainage impacts and mitigation measures, including those purported south of the Ancaster Industrial Park, and the potential for the use of Low Impact Development (LID) techniques to provide partial stormwater management quantity and quality control on site. A Water Budget and Soils Analysis will be required as supporting documentation for any Low Impact Development strategy proposed;

   ii) Pond design geometry shall be as per the City of Hamilton Stormwater Management Design Criteria 2007, and pond landscaping shall be as per the City of Hamilton Landscape Design Guidelines for Stormwater Management Facilities (May 2009);

   iii) Inspect and monitor the stormwater management facility upon commencement of construction or pre-grading of the Land;

   iv) Produce and submit an operation and maintenance manual, and keep detailed logs concerning stormwater management facility performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities in accordance with the operational manual;
v) Construct, operate, and maintain, at the owner’s expense, the stormwater management facility in a manner acceptable to the City, and include any changes to conditions of the MOE’s approval throughout the servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Senior Director of Growth Management;

vi) Remove sediment from the stormwater management facility attributed to development, carry out a bathymetric survey, and verify volumetric capacity of the stormwater management facility, prior to release of the owner’s operation and maintenance responsibilities for the stormwater management facility; and,

vii) Submit an operation and maintenance manual, as per City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), prior to release of the owner’s operation and maintenance responsibilities for the stormwater management facility.

2. That, prior to servicing, the owner shall submit a Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during servicing of the subdivision, and to undertake the works, as recommended, including monitoring. The Report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof: i) an aquifer is breached during excavation; ii) groundwater is encountered during servicing within the subdivision; and, iii) water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted.

3. That, prior to servicing, the owner shall agree to provide a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including buildings. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information, so that the City can direct works be completed, as necessary.

4. That, prior to servicing, the owner shall provide written confirmation from Hydro-One Networks Inc. as to the status of the transmission line traversing the property within an easement registered as Instrument No. 22014ANC, and make the necessary arrangements to either abandon or re-locate the transmission line. Any works associated with Hydro One recommendations shall be at no cost to the City.
5. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, provisions for the construction of a modern roundabout and any interim traffic control measures required to allow registration of the subject lands, at the owner’s cost, at the intersection of Wilson Street and McClure Road. The roundabout must be designed by a qualified roundabout engineering specialist, to the satisfaction of the Manager of Traffic Engineering.

6. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate, schedule provisions for the construction of a raised centre median at, the owner’s cost, on Wilson Street from the west leg of McClure Road (from the tip of the west leg splitter) to the west property line of the additional lands of Owner B (Red Lined Revised to Block 10), to facilitate the requirement that proposed access B (as per the Traffic Study) to Wilson Street functions for right turn-in and right turn-out movements only, to the satisfaction of the Manager of Traffic Engineering and the Senior Director of Growth Management.

7. That, **prior to servicing**, the owner shall include in the engineering design and cost schedules, provisions for the development of the adjacent lands to the east, including but not limited to, municipal servicing and municipal roadway access to McClure Road Extension, to the satisfaction of the Senior Director of Growth Management.

8. That, **prior to servicing**, the owner shall provide a Pavement Marking and Traffic Signs Plan for the extensions of Portia Drive and McClure Road. The Plan must be in accordance with the City of Hamilton Traffic Signal and Pavement Markings Design Manual 2009, and submitted to the Traffic Section in Microstation V8, to the satisfaction of the Manager of Traffic Engineering.

9. That, **prior to registration of the final plan of subdivision**, provisions for the construction of Mason Drive and Portia Drive within the adjacent development to the west, known as “Duff's Corners Corporate Business Park” (25T-91005), be secured with full municipal services to the western boundary of the subject lands, to the satisfaction of the Senior Director of Growth Management.

10. That, **prior to registration of the final plan of subdivision**, the owner will be required to convey, and acquire, if necessary, sufficient lands to the City for road widening and daylight triangles, to accommodate the construction of the roundabout and any interim traffic control measures within the intersection of Wilson Street and McClure Road, to the satisfaction of the Senior Director of Growth Management.
11. That, prior to registration of the final plan of subdivision, a 9 metre by 9 metre daylight triangle shall be established on the final plan of subdivision at the intersection of Portia Drive Extension and McClure Road Extension, to the satisfaction of the Manager of Traffic Engineering and the Senior Director of Growth Management.

12. That, prior to registration of the final plan of subdivision, the road allowance width of the north leg of the roundabout shall be established at a minimum 26 metres, to the satisfaction of the Senior Director of Growth Management.

13. That, prior to registration of the draft plan, if required, the owner shall convey a 9m storm sewer easement from Wilson Street over the additional lands of Owner (B) of the draft plan, to the existing watercourse, to the satisfaction of the Senior Director of Growth Management.

14. That, prior to registration of the final plan of subdivision, the final plan of subdivision shall include a block showing sufficient lands to be dedicated to the City of Hamilton as public highway, by the owner's certificate on the plan, to establish Wilson Street road allowance width at 45.72m, to the satisfaction of the Senior Director of Growth Management.

15. That, prior to registration of the final plan of subdivision, the owner shall pay their proportionate share for the future urbanization of Wilson Street abutting the lands of the draft plan based on the City’s “New Roads Servicing Rate” in effect at the time of payment.

16. That the owner shall agree, in writing, to construct concrete sidewalks in the locations listed below:

   Street A (Portia Drive Extension)  Both sides.
   McClure Road Extension  Both sides from Wilson Street to Portia Drive Extension.

17. That the owner shall agree, in writing, to include a clause in all agreements of purchase, sale, or lease advising that provisions for on-site stormwater management quantity and quality controls may be required as a condition of Site Plan approval in accordance with the approved stormwater management plan for the area.

18. That the owner shall agree, in writing, to include a clause in agreements of purchase, sale, or lease advising that access to Block 3 will not be permitted from McClure Road or Wilson Street, and access to Block 4 will not be permitted to Wilson Street. Further, as shown in the Traffic Study, prepared for Trinity Development Group Inc., dated July, 2010, Access D shall be located a minimum 70m west of McClure Road, and Access C from Portia Drive must be located a minimum 35m east of the private driveway Access B.
19. That, **prior to servicing**, the owner shall include in the engineering design and cost estimate schedules, provisions for the construction of Portia Drive Extension as a 3-lane cross-section from the west limits of the subject lands to McClure Road Extension, including an east bound travel lane, a west bound travel lane, and a continuous two-way left turn lane, to the satisfaction of the Manager of Traffic Engineering and the Senior Director of Growth Management.

20. That the owner shall agree that reciprocal rights-of-way be established on title between Blocks 1 and 2 via driveway access B (as per the Traffic Impact Study), to the satisfaction of the Manager of Traffic Engineering and the Senior Director of Growth Management.

21. That the owner shall agree that financial contribution by the City for external stormwater management facilities, including land cost, is subject to the financial policies, as set out in the Development Charges By-law and Background Study.

22. That, **prior to registration**, the owner shall demonstrate that sufficient easements have been established between Block 3, Block 7, and the abutting lands known as ‘Additional Lands of Owner (B)’ (Red Lined Revised to Block 10), for the purposes of vehicular and pedestrian access, to the satisfaction of the Senior Director of Growth Management and the Director of Planning.

**Grand River Conservation Authority**

23. That, **prior to servicing**, the Developer shall carry out the works identified, recommended within the Environmental Impact Statement and subsequent Addendum Report, prepared by Dougan and Associates, in July, 2010, and March, 2011, respectively, to the satisfaction of the Grand River Conservation Authority and the City of Hamilton, Director of Planning.

**Development Planning**

24. That, **prior to registration**, the owner/applicant shall agree, in writing, that they shall investigate the noise levels on site if deemed necessary through the review of the development at Site Plan Stage, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. If required, an Acoustical Report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the Acoustical Report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning.
25. That, **prior to registration**, the owner/applicant shall agree to provide a right-of-way and/or frontage on a public highway for the purposes of access for lands located north of Block 1 (ESA lands), to the satisfaction of the City of Hamilton, Director of Planning.

26. That, **prior to servicing**, the owner shall agree that Urban Design/Architectural Guidelines be approved for the Draft Plan and included as an Appendix to the Subdivision Agreement, to the satisfaction of the Director of Planning. The Guidelines shall include a pedestrian route analysis for the public and private realm that will allow sidewalks along the lot line and adjacent to the Portia Drive extension.

27. That, **prior to registration**, the owner shall agree, in writing, that should Portia Drive be reduced in width from the proposed 20 metre Right-of-Way, that the whole development will shift to the south in order to increase the buffer width, as detailed in the Environmental Impact Study, prepared by Dougan & Associates, by a comparable amount, to the satisfaction of the City of Hamilton, Director of Planning.

28. That, **prior to servicing**, the owner shall submit a detailed Planting Plan, including implementation details and securities for the works, for both the buffer area and the ESA area. Planting stock in the ESA area should be at least 2 metres in height to ensure it can compete with regenerating shrubs and to protect it from deer browsing, to the satisfaction of the City of Hamilton, Director of Planning.

29. That, **prior to servicing**, the Developer shall provide written confirmation from the owner of the ESA lands that the proposed Planting Plan (to take place on lands to be retained by the landowner and not Trinity Developments) is acceptable and will be implemented within the ESA, to the satisfaction of the City of Hamilton, Director of Planning.

30. That Future Development Blocks 4, 5, 6, and 7 only be developed in conjunction with adjacent lands, to the satisfaction of the City of Hamilton, Director of Planning.

**Cost Sharing**

Cost sharing shall be as per Recommendation #21. There will be no other cost sharing for this development.
Amendment No. [Blank] to the Urban Hamilton Official Plan

The following text attached hereto, constitutes Official Plan Amendment No. [Blank] to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of the Amendment is to:

- Create a site-specific policy in order to permit a limited number of general commercial and recreational uses with some restricted retail and service commercial uses.

2.0 Location:

The lands affected by this amendment are located north of Wilson Street West, east of the Garner Road West and Wilson Street West intersection, and are known municipally as 1125-1143 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 will provide a range of uses predominately focused on the travelling public.

4.0 Actual Changes:

4.1 Text Changes:

4.1.1 Volume 3, Chapter C – Urban Site-specific Policies; Ancaster – Commercial is amended by:
a) Adding the new site-specific subsection UAC-X to read as follows:

“UAC-XXX Lands located at 1125-1143 Wilson Street West

1.0 In addition to the uses permitted in Policy E.4.8.2 – Arterial Commercial of Volume 1, lands designated Arterial Commercial, located at 1125-1143 Wilson Street West, shall be developed to include a mix of retail, service commercial uses, and are subject to the following provisions:

   a) Notwithstanding Section E.4.8.2 of Volume 1, general commercial uses, as listed in the Zoning By-law, may be permitted;

   b) Development of the properties and the range of commercial uses shall be completed in a phased manner in accordance with UAC-X 1.0 c) and the Zoning By-law;

   c) Notwithstanding Section E.4.8.3 a), b) and d) of Volume 1, and in accordance with the Zoning By-law, certain restricted retail and service commercial uses may be permitted, to a maximum of 14,500 square metres of Gross Floor Area, in order to ensure the predominant land use shall continue to be for Arterial Commercial purposes.
5.0 Implementation:

An implementing Zoning By-Law Amendment, plan of subdivision, and site plan will give effect to this Amendment.

This is Schedule “[ ]” to By-law No. [ ] passed on the [ ] day of [ ].

The
City of Hamilton

__________________________________ ___________________________________
R. Bratina Rose Caterini
MAYOR CLERK