SUBJECT: Applications for an Amendment to the Ancaster Official Plan and a Change in Zoning for Lands Located at 1173 and 1203 Old Golf Links Road (Ancaster) (PED08044) (Ward 12)

RECOMMENDATION:

(a) That approval be given to **Official Plan Application OPA-06-22, by 2008042 Ontario Inc. (Dennis Vranich and John Bukovac), owners**, for Official Plan Amendment No. _____ to the Official Plan for the former Town of Ancaster, to amend Policy 6.5.5.2.1 of Part B of the Meadowlands Mixed Use Secondary Plan Area, to permit an increase in the maximum height from 3-storeys to 6-storeys, on the lands municipally known as 1173 and 1203 Old Golf Links Road, as shown on Appendix “B” to Report PED08044, on the following basis:

(i) That the subject lands be identified as Special Policy Area _____ on Schedule “F”, Special Policy Areas.

(ii) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED08044, be adopted by Council.

(iii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Zoning Application ZAC-06-47, by 2008042 Ontario Inc. (Dennis Vranich and John Bukovac), owners**, for a change in zoning from the Public “P-242” Zone to the Holding - Shopping Centre Commercial “H-C2-551” Zone, to permit the development of a hotel and office building at a maximum height of 22 metres and 6-storeys, for lands located at 1173 and 1203 Old Golf Links Road (Ancaster), as shown on Appendix “A” to Report PED08044, on the following basis:
SUBJECT: Applications for an Amendment to the Ancaster Official Plan and a Change in Zoning for Lands Located at 1173 and 1203 Old Golf Links Road (Ancaster) (PED08044) (Ward 12) - Page 2 of 14

(i) That the subject lands be rezoned from the Public “P-242” Zone to the Holding - Shopping Centre Commercial “H-C2-551” Zone.

(ii) 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 prefix to the proposed Zoning. The Holding provision will prohibit the development of the subject lands until such time as:

1. The approval of a servicing study and posting of appropriate securities to ensure implementation of the study’s recommendations, to the satisfaction of the Manager of Engineering Design and Construction.

2. The approval of design drawings for the re-construction of Old Golf Links Road and the posting of appropriate securities to ensure implementation of the approved drawings, all to the satisfaction of the Manager of Engineering Design and Construction.

3. The owner/applicant conducts an archaeological assessment of the entire development property and mitigates, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

City Council may remove the ‘H’ symbol and, thereby, give effect to the “C2-551” Zone provisions, by enactment of an amending By-law once the conditions are satisfied.

(iii) That the Draft By-law, attached as Appendix “C” to Report PED08044, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Ancaster Official Plan upon finalization of Official Plan Amendment No. ____.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The applications are for an Official Plan Amendment and a change in Zoning in order to permit the development of a hotel and an office building having frontage onto Old Golf Links Road (see Appendix “D”). To facilitate orderly development, staff recommends a ‘H’ Holding provision be added to the proposed zoning in order to ensure that the site is appropriately serviced, that Old Golf Links Road is re-constructed to current City standards, and to require an archaeological assessment of the entire site.

The applications have merit as they are consistent with the Provincial Policy Statement, and they conform to the Hamilton-Wentworth Official Plan. In addition, the proposal provides for commercial development that is compatible with the existing and planned uses for the area.

BACKGROUND:

Proposal

The applicant has applied to amend the Ancaster Official Plan in order to increase the permitted maximum height from 3-storeys to 6-storeys, for lands located at 1173 and 1203 Old Golf Links Road, Ancaster. The applicant has also applied to change the zoning of the subject lands from the Public “P-242” Zone to the Shopping Centre Commercial “C2” Zone, to permit the development of a 113 room hotel with accessory banquet centre and restaurant facilities with a gross floor area of 6,540.67 square metres, and an office building with a gross floor area of 7,397.2 square metres.

The applicant has submitted a concept plan of the proposal (attached as Appendix “D”). The plan shows the location of the two proposed buildings, a two-level parking structure, 301 parking spaces, loading spaces, access, landscaped areas, garbage enclosures, and an outdoor patio.

The applicant has also requested zoning modifications in order to:

- Reduce the minimum lot depth from 60.0m to 44.0m.
- Increase the maximum lot coverage from 40% to 60%.
- Reduce the minimum front yard for a canopy from 15.0m to 5.0m.
- Reduce the minimum front yard for a parking structure from 15.0m to 1.5m.
- Reduce the minimum side yard from 15.0m to 1.5m.
- Reduce the minimum side yard setback for a below-grade parking structure from 15.0m to 1.5m.
• Reduce the minimum side yard setback for an above-grade parking structure from 15.0m to 6.5m.

• Reduce the minimum rear yard from 9.0m to 1.5m.

• Reduce the minimum rear yard for a below-grade parking structure from 15.0m to 0.3m.

• Reduce the minimum rear yard for an above-grade parking structure from 15.0m to 0.9m.

• Reduce the minimum number of required parking spaces from 409 to 301.

• Increase the maximum height from 10.5m to 22.0m and 6-storeys.

• Permit parking spaces to be located 0.3m from a street line or lot line not abutting a street instead of the minimum 3.0 m.

• Delete the minimum 3.0 m wide planting strip requirement between a street line and a parking area having more than 4 parking spaces.

• Permit an accessory building (garbage enclosure) in the minimum front yard.

Staff has added a modification to increase the minimum lot area from 2,700 square metres to 11,196 square metres, to require the entire subject property to be developed as one site since both of the proposed buildings will share the same parking area and access to the site.

Details of Submitted Application

Owners: 2008042 Ontario Inc. (Dennis Vranich and John Bukovac)

Location: 1173 and 1203 Old Golf Links Road

Description: 

Frontage: 133 metres (Old Golf Links Road)

Depth: 86.07 metres (Average)

Area: 1.12 ha.
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant</td>
<td>Public “P-242” Zone</td>
</tr>
<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Lincoln Alexander Parkway</td>
<td>Public “P-242” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Hydro Lands</td>
<td>Public “P-242” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Vacant</td>
<td>Public “P-242” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Commercial</td>
<td>Urban Commercial “C4-453” Zone</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

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

2. The subject property is situated in a unique location, since it is bounded by the Lincoln Alexander Parkway to the north, vacant open space lands to the east, hydro lands to the south, and existing commercial lands to the west. The proposed development of a hotel and office buildings is an appropriate use since the site provides close access to the Lincoln Alexander Parkway, which connects to arterials and major highways. The proposed uses would not only serve the local market, but also a regional market. The location accommodates the volume of traffic that would be generated. The subject property is designated “Commercial” within the Ancaster Official Plan, and identified within the Meadowlands Mixed Use Secondary Plan as a commercial area that will serve a broader community and regional market. The proposed hotel and office uses conform with the plan.

The development of the proposed commercial buildings is subject to Site Plan Control. In accordance with Secondary Plan criteria, matters such as access and related road improvements, parking and pedestrian circulation, building orientation, screening, drainage and signage will be reviewed at the site plan
stage. Through the review of the applications, staff has identified some key items that will be further investigated at the site plan stage, which include:

- The connectivity between the proposed buildings;
- The proposed front and rear facades of both of the proposed buildings;
- The type and amount of landscaping; and,
- The traffic movement and circulation throughout the site.

Staff is satisfied that the proposed use is appropriate, and the above items can be addressed through Site Plan Control.

3. The applicant is proposing a building height of 22 metres (6-storeys) for the proposed hotel building and 20 metres (5-storeys) for the proposed office building, whereas the Meadowlands Mixed Use Secondary Plan allows a maximum height of 3-storeys and the “C-2” Zone provisions permit a maximum height of 10.5 metres (3-storeys). Consequently, amendments to the Official Plan and “C2” Zone provisions are requested. The proposed increase in building height(s) have merit and can be supported due to the location and topography of the site. The increased height would not negatively impact the surrounding open space corridor to the east, the Lincoln Alexander Parkway to the north, hydro lands to the south, and the existing commercial offices to the west. The owner of the commercial development to the west of the site opposes the height increase (see Comment 11), but staff has not identified any negative planning related land use impacts from the proposed height increase on this commercial property. Staff also notes that the site is significantly lower in grade than Old Golf Links Road, which would reduce the apparent height. The applicant has submitted a cross section plan (Appendix “E”), which illustrates the height of the existing commercial building at 21 and 35 Stone Church Road and the proposed hotel building. As illustrated, the proposed buildings will appear to be similar in height to the existing adjacent buildings due to the lower topography of the subject lands.

Based on the foregoing, staff supports the proposed Official Plan Amendment and zoning modification to allow for the increased height.

4. The applicant is proposing a total of 301 parking spaces for the proposed hotel and office buildings, whereas the Ancaster Zoning By-law requires a minimum of 409 parking spaces. The required parking is broken down as follows:

<table>
<thead>
<tr>
<th>Use</th>
<th>Calculation</th>
<th>Required Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotel (113 units)</td>
<td>1 space per unit</td>
<td>113</td>
</tr>
<tr>
<td>Banquet/conference facilities</td>
<td>Accessory to hotel – does not require additional parking</td>
<td>0</td>
</tr>
<tr>
<td>Office (7397m² Gross Floor Area)</td>
<td>1 space per 25m² of GFA</td>
<td>296</td>
</tr>
<tr>
<td><strong>Total Parking Required</strong></td>
<td></td>
<td>409</td>
</tr>
</tbody>
</table>
The applicant submitted a parking study, which was prepared by Paradigm Transportation Solutions Limited, and has been reviewed by staff. The parking study concludes that the amount of parking proposed exceeds the estimated parking demand since the mixture of proposed uses provides for significant shared parking opportunities; the parking supply at the surveyed sites was significantly underutilized; and the location of the site, which is close to two public transit routes, provides an opportunity for office employees to arrive by transit. Hamilton Municipal Parking System staff has reviewed the parking study and notes that their evaluation is consistent with the study’s findings.

Based on the foregoing, staff supports the proposed zoning modification to allow for the reduction in parking.

5. The Shopping Centre “C-2” Zone permits a wide range of commercial uses which include hotels, professional offices, service uses such as beauty shops, retail uses, restaurants and catering, and entertainment uses. The uses permitted are compatible with and complementary to the existing and planned surrounding land uses. More specifically, the existing uses at the commercial property to the west (21 and 35 Stone Church Road) include, among others, a bank, professional offices, printing and publishing uses, a restaurant, and retail uses which are compatible with the proposal.

6. The applicant has submitted a concept plan with the application, attached as Appendix “D”, which has been reviewed against the standard requirements of the Shopping Centre Commercial “C-2” Zone and the By-law’s general provisions for parking and loading. Additional modifications from those discussed in Comment 3 to the Zoning By-law have been identified. The modifications relate to the location of the proposed buildings and parking structure, lot depth, lot coverage, required parking spaces, location of parking, width of planting strips, minimum lot area, and location of garbage enclosures, which are discussed as follows:

**Location of Proposed Buildings**

The applicant is proposing a minimum front yard setback of 5 metres to the proposed canopy, whereas the “C-2” Zone provisions require a minimum front yard setback of 15.0 metres. The Ancaster Zoning By-law considers the proposed canopy as part of the principle structure, which must meet the minimum front yard setback, although the canopy only serves as a cover for the entrance of the proposed hotel which is setback the required 15m. In staff’s opinion, the modification is warranted and would not create any adverse impacts.

The applicant is proposing a minimum side yard setback of 1.5 metres and a minimum rear yard setback of 1.5 metres for the proposed buildings, whereas the “C-2” Zone provisions require a minimum side yard setback of 15 metres and a minimum rear yard setback of 9 metres. The purpose and intent of the By-law is to require minimum side and rear yard setbacks for commercial buildings in order to provide adequate building separation and space for maintenance, drainage
and landscaping. The buildings located on the abutting property to the west (21-35 Stone Church Road) are located more than 15 metres away from the lot line and zoned to require a minimum side yard of 7.5 metres, and the abutting property to the east falls within the Public “P-242” Zone which only permits a low profile transformer station with a minimum side yard of 9 metres. Also, the rear yard of the property abuts the Lincoln Alexander Parkway. As such, staff is satisfied that there is adequate space. As noted earlier, the proposed development is subject to site plan control, where drainage and landscaping issues will be investigated further.

**Location of Parking Structure**

The applicant is proposing a front yard setback of 1.5 metres, a side yard setback of 1.5 metres for a below-grade parking structure, a side yard setback of 6.5 metres for an above-grade parking structure, a rear yard setback of 0.3 metres to the proposed below-grade parking structure, and a rear yard setback of 0.9 metres to the proposed above-grade parking structure, whereas the “C-2” Zone provisions require a minimum front yard setback of 15.0 metres, minimum side yard setback of 15 metres and a minimum rear yard setback of 9 metres. The Ancaster Zoning By-law considers the proposed parking ramp as a “structure”, which must conform to the principle building setbacks. The proposed yard reductions are due to the orientation of the structure and have limited impacts. Adequate space is still available for drainage, maintenance and landscaping. The proposed reductions can be supported and are accommodated by the draft By-law.

**Lot Depth**

The applicant is proposing a lot depth of 44 metres, whereas the “C-2” Zone provisions require a minimum lot depth of 60 metres. The subject property is an irregular shape, and although a portion of the subject property (westerly side lot line – see Appendix “D”) does not meet the minimum required lot depth, the majority of the site meets and exceeds the standard. In staff’s opinion, the modification is considered minor in nature and can be supported.

**Lot Coverage**

The applicant is proposing a lot coverage of 60%, whereas the “C-2” Zone provisions require a maximum lot coverage of 40%. The purpose and intent of the By-law is to require a maximum lot coverage for commercial properties in order to maintain a scale of development compatible with the area. As noted earlier, the Ancaster Zoning By-law includes the proposed parking structure into the lot coverage calculation. The proposed 2-storey structure will function as a parking lot. In staff’s opinion, the proposed modification will allow development compatible with the area, and the purpose and intent of the Zoning By-law will be maintained.
Parking

The applicant is proposing a 0.3 metre setback from the surface parking area to the rear lot line (also a street line), a 1.5m setback to the front lot line (also a street line), and a 1.5m setback to the side lot line, whereas the Parking and Loading requirements of the By-law require a minimum 3.0m setback from a street line and 2.0m setback from any lot line not abutting a street. The purpose and intent of the By-law is to require minimum setbacks to parking areas in order to provide space for landscaping. As outlined earlier, the subject property is irregular shaped, and the applicant has designed the site to accommodate the parking needs and to allow for sufficient landscaping. The proposed modification is largely due to the irregular shape of the property, and staff is satisfied that there is sufficient space for landscaping. As such, the modification can be supported. Landscaping, screening and building orientation will be reviewed at the Site Plan Control stage.

Planting Strip

The applicant is proposing a 1.5 metre wide planting strip along Old Golf Links Road and no planting strip along the rear street line, whereas the By-law's Parking and Loading provisions require a minimum 3.0 metre wide planting strip between a parking area with more than four spaces and a streetline. Based on the concept plan submitted (Appendix “D”) the proposed reduction only occurs along limited portions of Old Golf Links Road, while the majority of the frontage would meet and exceed the minimum required planting strip width. Also, the proposed development is subject to site plan control, where the type and amount of landscaping and alternative screening can be examined to enhance the proposed streetscape character. In staff's opinion, the reduction can be supported and addressed at the Site Plan Control stage.

Garbage Enclosure

The applicant is proposing to locate a garbage enclosure in the front yard, whereas the Ancaster Zoning By-law does not permit accessory structures in the minimum front yard. The purpose and intent of the By-law is to maintain streetscape character. In staff's opinion, the proposed location of the accessory structure is not necessary and will impact the aesthetic appearance of the proposed commercial buildings. The location of the garbage enclosure can be further investigated at the Site Plan Control stage. The draft By-law does not permit the garbage enclosure to be located in the minimum front yard.

Minimum Lot Area

The “C-2” Zone requires a minimum lot area of 2,700 square metres. Staff has added a modification to increase the minimum lot area to 11,196 square metres to require the entire subject property to be developed as one site, since both of the proposed buildings will share the same parking area and access to the site.
7. The subject property has been identified as having archaeological potential. In order to identify and mitigate any potential impacts to significant archaeological resources, the implementing By-law should apply a Holding provision ('H'), to require the owner to submit an archaeological assessment to both the City of Hamilton and the Ministry of Culture.

8. There are no municipal services along Old Golf Links Road fronting the subject property. As such, the implementing by-law should apply a Holding provision ('H'), to require the owner to submit and receive approval of a site servicing plan to the satisfaction of the Manager of Engineering Design and Construction. Also, the Holding provision should require the owner to submit a design and post securities to appropriately re-construct Old Golf Links Road to current City standards. This will ensure that there is sufficient infrastructure for the proposed commercial uses.

9. The applicant has met with the “Joint Ancaster Community Committee - Planning Sub Committee” to obtain its views on the proposal. City staff was invited to two meetings (dated April 30, 2007 and September 24, 2007), where the Committee identified concerns regarding the proposed height, the design of the proposed office building, and the potential traffic impacts. Both the applicant and staff addressed the height issue with the Committee, acknowledging that the increase in height has merit due to the location and topography of the site. The applicant revised the design of the office building and conducted a traffic impact study. The Committee indicated support for the revised office building design. The traffic impact study (discussed in Comment 10 – below) addresses the Committee’s traffic concerns.

10. The applicant submitted a traffic impact study, which was prepared by Paradigm Transportation Solutions Limited, and has been reviewed by staff. The traffic impact study was submitted to address staff’s and the “Joint Ancaster Community Committee - Planning Sub Committee” concerns regarding the potential traffic impacts the proposal would have in the area and at the intersection of Stonechurch Road/Old Golf Links Road. The study concludes that the proposed development will not have a significant traffic impact on the adjacent roadway network. The City’s Traffic Operations and Maintenance staff has reviewed the study and concurs with the study’s findings, and notes that as the intersection volumes at Golf Links Road and Stonechurch Road approach capacity, it is expected that there will be a moderate shift in retail trips to the proposed Heritage Greene Power Centre on the Stoney Creek Mountain, which will provide some capacity relief.

11. Staff received one letter (attached as Appendix “G”) from an adjacent landowner and tenants as a result of the pre-circulation of these applications. The owners and tenants of 21-35 Stone Church Road state that they are opposed to structures in excess of 3-storeys or 14 metres in height. As noted earlier (Comment 3 - Page 6), staff is of the opinion that the proposed increased height
has merit since it would not significantly impact any of the surrounding properties due to the location and topography of the site.

**ALTERNATIVES FOR CONSIDERATION:**

If the application is denied, then the applicant has the option of using the property for the current range of Public “P-242” Zone uses.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for an Official Plan Amendment and a change in Zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The proposal is consistent with Policy 1.1.3.1, which indicates that Settlement Areas shall be the focus of growth.

Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and alteration which maintain the heritage integrity of the site may be permitted.

The Holding provision (‘H’) will ensure that an archaeological assessment is submitted to both the City of Hamilton and the Ministry of Culture in order to identify and mitigate any potential impacts to significant archaeological resources. As such, the proposal falls within the parameters and is consistent with the Provincial Policy Statement (PPS).

**Hamilton-Wentworth Official Plan**

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

Also, Policy B.9.2 states that the City shall consider the protection and preservation of Regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment.
Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection.

Therefore, as the nature of the application is for an amendment to the existing Official Plan and Zoning By-law to allow for the development of two commercial buildings, the proposal conforms to the “Urban Area” policies of Hamilton-Wentworth Official Plan. The Holding provision (‘H’) will ensure that an archaeological assessment is submitted to both the City of Hamilton and the Ministry of Culture in order to identify and mitigate any potential impacts to significant archaeological resources. As such, the proposal is in conformity with the Plan.

Ancaster Official Plan

The subject property is designated “Commercial” on Schedule “B”, Urban Land Use Plan, of the Ancaster Official Plan. Also, the subject lands are located within Part B of the Meadowlands Mixed Use Secondary Plan Area and designated “Commercial”.

The policies applicable to the proposal are as follows:

“6.5.5.2 Part B

Commercial lands identified on Map 1 as “Part B” shall be encouraged to develop for commercial uses, subject to the following provisions:

6.5.5.2.1 The primary uses will be non-retail commercial uses serving a broader community and regional market such as professional and business offices, hotels/motels, and restaurants. These uses can take advantage of excellent regional accessibility afforded by their proximity to the Red Hill Creek Expressway and Highway 403. Physical siting and design shall be guided by:

(a) A campus-like arrangement of buildings, not exceeding 3-storeys in height, shall be designed as part of a comprehensive plan with coordinated parking and landscape concept;

(b) Access shall be provided from Old Golf Links Road, except that the municipality may consider permitting limited access from Stone Church Road in the case of innovative land use arrangements, and subject to roadway improvements carried out at the proponent’s expense;

(c) Buildings shall be oriented to Stone Church Road or the Golf Links Road – Mohawk overpass; building design shall address the view from the intersection at Golf Links Road and Stone Church Road;
SUBJECT: Applications for an Amendment to the Ancaster Official Plan and a Change in Zoning for Lands Located at 1173 and 1203 Old Golf Links Road (Ancaster) (PED08044) (Ward 12) - Page 13 of 14

(d) A network of paths shall be provided between buildings and parking areas so as to provide convenient, safe and amenable pedestrian circulation; and

(e) The Town may require proponents of development to install sidewalks on Old Golf Links Road."

The proposed hotel and office buildings are permitted uses that serve the broader community and regional market. The proposed site design supports a “campus-like” arrangement of buildings. The proposal is subject to Site Plan Control, and matters such as access and related improvements, parking and pedestrian circulation, building orientation, landscaping, screening, drainage, etc., will be reviewed at the Site Plan Control stage.

The applicant has applied to amend the Secondary Plan of the Official Plan in order to increase the permitted height from 3 to 6-storeys. As discussed earlier (Comment 3 – Page 6), staff is of the opinion that the proposed increase in height has merit and can be supported, since the additional height would not significantly impact any of the surrounding properties due to the location and topography of the site.

Regarding Policy 6.5.2.2.1 (b) and (e), the proposed Holding provision (‘H’) will ensure that the roadway improvements on Old Golf Links Road, including the installation of sidewalks, are carried out at the proponent’s expense and to the satisfaction of the City.

Based on the foregoing, Planning staff is of the opinion that the proposed Official Plan Amendment has merit and can be supported. Upon approval of the Official Plan Amendment, the proposed zoning will conform.

RELEVANT CONSULTATION:

The following Departments/Agencies had no comments or objections:

- Public Works Department (Traffic Engineering and Operations Section).
- Corporate Services Department (Budget and Fiscal Policy Services).
- Corporate Services Department (Revenues Division).
- Ministry of Environment.
- Hydro One.
- Union Gas.

Hamilton Conservation Authority has indicated that the subject property is located within an area affected by the HCA Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, and a Development Permit will be required from the Conservation Authority. This requirement will be implemented at the Site Plan Control stage.
Public Consultation

In accordance with Council’s Public Participation Policy, this application was pre-circulated to seven property owners within 120 metres of the subject lands. A Public Notice sign was posted on the property on July 14, 2006, and notice of the Public Meeting will be given in accordance with the regulations of the Planning Act.

One letter (attached as Appendix “G”) was received in response to the pre-circulation. A concern was raised in the letter regarding the height of proposed buildings. An analysis of this issue is discussed in the Analysis/Rationale Section of this report.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

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

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

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

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

:DF
Attachs. (6)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ZAC-06-47/OPA-06-22
Date: January 16, 2008

Appendix “A” Scale: N.T.S. Planner/Technician: DF/MB

Subject Property

1173 and 1203 Old Golf Links Road (Ancaster)

Official Plan Amendment and Change in Zoning from the Public “P-242” Zone to the Holding-Shopping Centre Commercial “H-C2-651” Zone.

Ward 12 Keymap N.T.S
Draft Amendment No. [blank]

to the

Official Plan of the Former Town of Ancaster

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

Purpose:

The purpose of this Amendment is to:

1) Identify the subject lands as Specific Policy Area [blank] on Schedule “F”, Specific Policy Areas; and,

2) Add a site-specific policy to permit an increase in the maximum height from 3- storeys to 6-storeys and 22 metres.

Location:

The lands affected by this Amendment are known municipally as 1173 and 1203 Old Golf Links Road.

Basis:

The basis for permitting the proposed Specific Policy Area is as follows:

- The increased height would not significantly impact any of the surrounding properties due to the location and topography of the site;

- The proposal is compatible with surrounding uses; and,

- The proposal is in conformity with the Region of Hamilton-Wentworth Official Plan.

Actual Changes:

1) Schedule "F" – Specific Policy Areas – be revised by including the subject lands as Specific Policy Area [blank], as shown on the attached Schedule “A” of this amendment.

2) That Section 5.7, Other Specific Policy Areas, be amended by adding Subsection 5.7. [blank] as follows:
5.7. Notwithstanding the requirement for development of low-rise buildings of Section 6.5.4.1 and notwithstanding the height requirement of Subsection 6.5.5.2.1 (a) of the Meadowlands Mixed Use Area Secondary Plan, for the lands municipally known as 1173 and 1203 Old Golf Links Road and identified as Specific Policy Area on Schedule “F”, the maximum permitted height shall be 6-storeys and 22 metres.

Implementation:

An implementing Zoning By-law Amendment and Site Plan Agreement will give effect to this Amendment.

This is Schedule "1" to By-law No. 08- , passed on the day of , 2008.

The City of Hamilton

Fred Eisenberger
Mayor

Kevin C. Christenson
Clerk

OPA-06-22
ZAC-06-47
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 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 22rd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

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

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (The Official Plan of the former Town of Ancaster), approved by the Minister under the Planning Act on July 6, 1984, as amended by Official Plan Amendment No. [Amendment No.], but not yet approved in accordance with the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. Schedule “B”, Map No. 1 of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing the zoning from the Public “P-242” Zone to the Holding - Shopping Centre Commercial “H-C2-551” Zone, on those lands the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this by-law.

2. That the ‘H’ symbol applicable to the lands referred to in Section 1 of this By-law shall be removed conditional upon,

   i) The approval of a servicing study and posting of appropriate securities to ensure implementation of the study’s recommendations, to the satisfaction of the Manager of Engineering Design and Construction.

   ii) The approval of design drawings for the re-construction of Old Golf Links Road and the posting of appropriate securities to ensure implementation of the approved drawings, all to the satisfaction of the Manager of Engineering Design and Construction.

   iii) The owner/applicant conducting an archaeological assessment of the entire development property and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

City Council may remove the ‘H’ symbol and, thereby give effect to the Shopping Centre Commercial “C2-551” Zone, by enactment of an amending By-law once the above conditions have been fulfilled.

3. Section 34: Exceptions of Zoning By-law No. 87-57, as amended, is hereby further amended by adding the following subsection:

   **C2-551 Regulations:**

   1. Notwithstanding Regulations 1, 3, 4, 5, 6, 9, and 12 of Table 2: Regulations of Subsection 22.2, Regulations, of Section 22: NEIGHBOURHOOD COMMERCIAL “C1” ZONE, SHOPPING CENTRE COMMERCIAL “C2” ZONE, GENERAL COMMERCIAL “C3” ZONE, URBAN COMMERCIAL “C4” ZONE, RURAL COMMERCIAL “C5” ZONE AND VILLAGE AREA “VA” ZONE (Certain Uses Only) of Zoning By-law No. 87-57, on those lands Zoned “C2-551” the following provisions shall apply:
1. Minimum Lot Area: 11,196m²

2. Minimum Lot Depth: 44m

3. Maximum Lot Coverage: 60%

4. Minimum Front Yard Setback: 15m, except 5m to a canopy, 1.5m to a Below-grade Parking Structure, and 1.5m to an Above-grade Parking Structure

5. Minimum Side Yard Setback: 1.5m, except 1.5m to a Below-grade Parking Structure, and 6.5m to an Above-grade Parking Structure

6. Minimum Rear Yard Setback: 1.5m, except 0.3m to a Below-grade Parking Structure, and 0.9m to an Above-grade Parking Structure

7. Maximum Height: 22.0m and 6-storeys

8. Notwithstanding Regulations (A), (G) and (I) of Subsection 7.14 Parking and Loading, (b) Required Parking Spaces, (ii) Commercial Uses of Zoning By-law No. 87-57, a minimum of 301 parking spaces shall be provided and maintained for a Hotel containing a maximum 113 units and Offices with a maximum gross floor area of 7,397 square metres.

9. Notwithstanding Regulation (ix) 3 of Subsection 7.14 Parking and Loading, (a) General Provisions of Zoning By-law No. 87-57, no parking space shall be located closer to a street line or a lot line not abutting a street than 0.3m.
10. Regulations (vii), (viii), and (xvi) of Subsection 7.14 Parking and Loading, (a) General Provisions of Zoning By-law No. 87-57, shall not apply.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Shopping Centre Commercial “C2” provisions, subject to the special requirements referred to in Section 3, applicable to the lands described in Section 1.

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

PASSED and ENACTED this day of , 2008.

________________________________________  _______________________________________
MAYOR                                CLERK

ZAC-06-047
Appendix “C” to Report PED08044 (Page 5 of 5)

Schedule “A”

Map Forming Part of By-law No. 08-

to Amend By-law No. 87-57

Subject Property
1173 and 1203 Old Golf Links Road (Ancaster)
Change in Zoning from the Public “P-242” Zone to the Holding-Shopping Centre Commercial “H-C2-551” Zone.
TRL INVESTMENTS LIMITED

August 11, 2006

Mr. David Falletta, Planner
City of Hamilton
Planning & Economic Development Department,
Development Division (West)
City Hall, 71 Main Street West
Hamilton, Ontario
L8P 4Y5

Fax: 905-546-4202

Dear Mr. Falletta,

Re: Preliminary Circulation
Zoning Amendment Application ZAC-06-47 (Applicant – 2008042 Ontario Inc.,
c/o Dennis Vranich & John Bukovac), 1173 Old Golf Links Road, Ancaster,
Ward 12

We have canvassed our partners and tenants regarding the above-noted zoning application
and are opposed to structures in excess of 3 stories or in excess of 14 metres in height.

The residents and politicians of the former Town of Ancaster, now the City of Hamilton,
have historically vehemently opposed applications for structures above 3 stories.

Yours truly,

TRL INVESTMENTS LIMITED

Richard M. Cooper, P. Eng.